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THE NEW REPUBLIC

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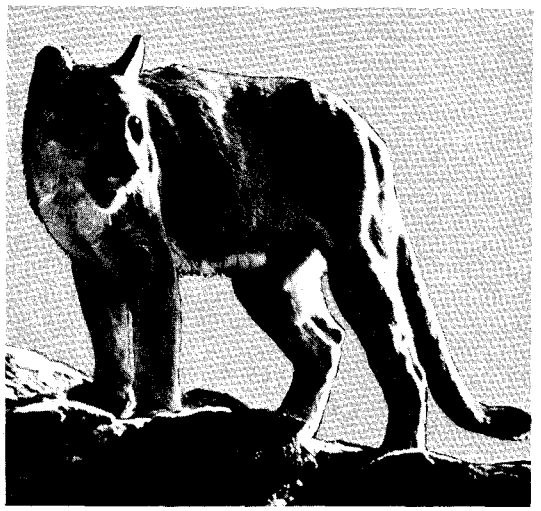

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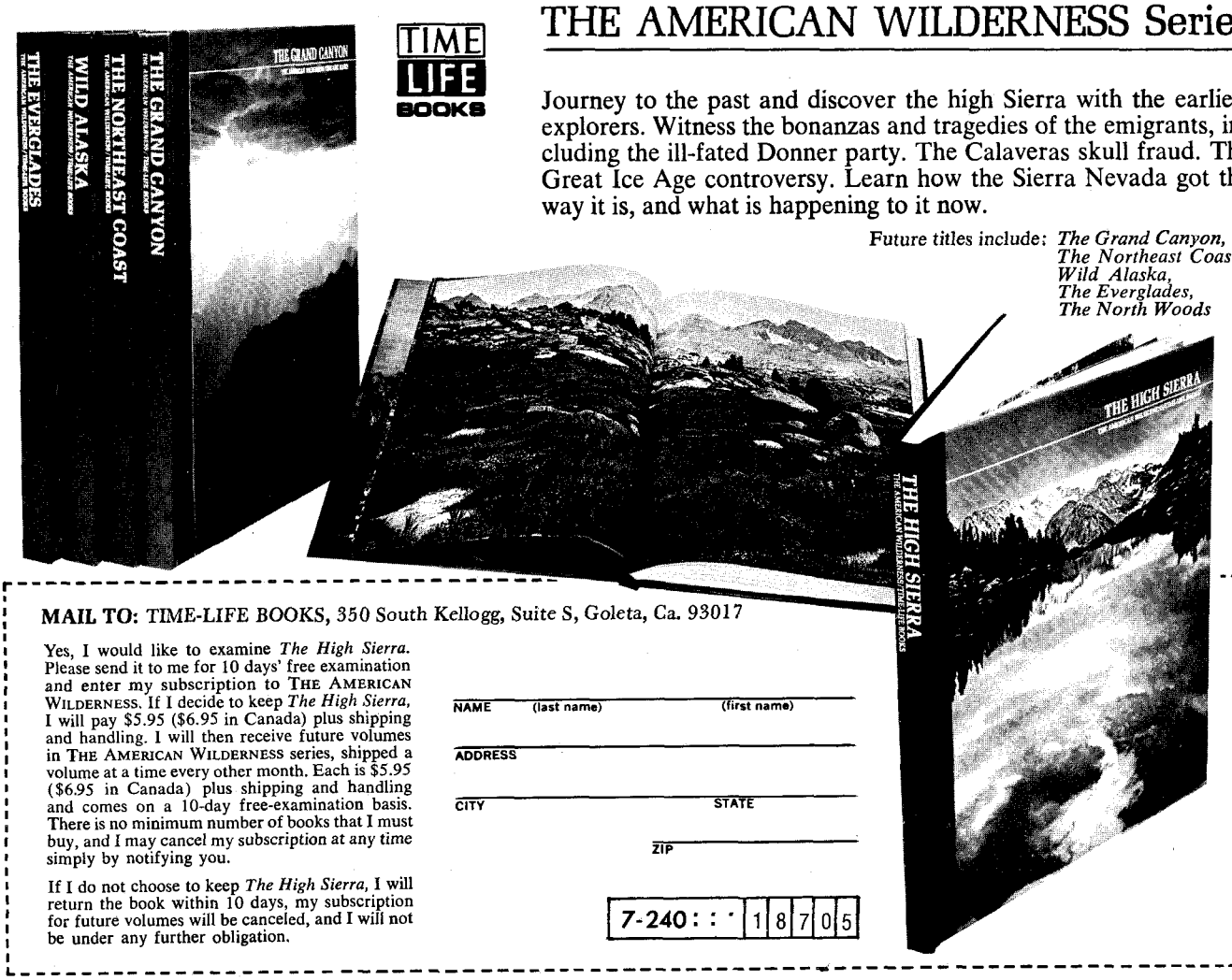

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Passing Thoughts

The hearing starts at 10:00. I dash out waving for a taxi, and in no time at all am buzzing up Pennsylvania Avenue to the Watergate show. A bright day in early summer. Everything safe, orderly and secure—lively traffic, fine government buildings, flags snapping, a sense of strength and power. But at 9th Street I give a little shiver. We are passing the almost finished FBI building.

President Nixon in his May 22 statement tells how he proposed a new super-secret police force in June 1970. It was never implemented because of "the opposition of Director [J. Edgar] Hoover." The agencies "were notified five days later," he says, that the plan was all off. The FBI chief vetoed the President.

What Mr. Nixon wanted to restore with the help of the FBI, in his words, were certain "options" that had been dropped in 1966, options that "included authorization for surreptitious entry—breaking and entering, in effect. . . ."

Mr. Nixon continues matter-of-factly that "in July, 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House."

Why Mr. Hoover didn't want to burglarize is unclear; he had done it plenty in the past but dropped it on orders of Attorneys General Katzenbach and Ramsey Clark. One report says that J. Edgar wouldn't break the law without written authorization from Mr. Nixon and that the palace guard feared this might be used for blackmail. Correct or not, Mr. Nixon's impersonal statement reveals an extraordinary condition of disorganization behind the scenes. What he seems to be saying is that the FBI had become a sovereignty, one that outwaited attorneys general and vetoed Presidents.

The huge new FBI building is built like a fortress and fills a block. It is planted right there on the avenue. Latest cost estimates are over $110 million. Its 11 stories tower above the parent Justice Department's seven, across the street, like a son above a mother. Its excavations are three stories deep. There are miles of corridors for citizens' dossiers. Only the Pentagon and Rayburn Building exceed its space; it is the most expensive building ever erected in Washington. I give a little shiver; I can't help it.

Mr. Nixon wasn't happy with the CIA and the FBI. What he wanted was something small and cozy so, he says, he created the "Special Investigations Unit within the White House—which later came to be known as the 'the plumbers.' " It appears to have been a bunch of private eyes doing bugging and burglary for the White House crowd.

Under Hoover's temporary successor, Patrick Gray, Mr. Nixon ordered the FBI to investigate Watergate and then told his palace guard to restrain the investigation so as not to expose the plumbers, and not to expose a supposed (and non-existent) role which the CIA played in laundering (hiding the identity) of campaign funds from Mexico. It's all pretty complicated and maybe you understand it better than I do. Certainly Patrick Gray didn't understand it, or Vernon Walters, deputy director of the CIA. They warned the President that somebody in the White House was betraying him. "I should have given more heed to the warning signals," says Mr. Nixon in retrospect.

New York Times correspondent Seymour Hersh quotes a former high-ranking FBI official as saying, "We'd been doing burglaries for years. We did them regularly—as a matter of policy." Ramsey Clark put a stop to it in 1966 and J. Edgar Hoover later called Clark a "jellyfish," a "softie." The former attorney general mildly replied, "He's entitled to his opinion; he never said it while I was there."

There will always be national security threats and one wonders what the future relations of the White House and this huge new FBI building will be. The FBI passed along confidential information on antiwar and other groups to the Committee for the Re-election of the President. Confidential FBI files on its Watergate inquiry went to the White House aides.

In the Berrigan case the FBI let a paid stool pigeon out of jail day by day to help build a case against seven defendants and encourage them in a fantasy to bomb heating tunnels in Washington and kidnap Henry Kissinger. In the Camden case the FBI used an agent provocateur, not to prevent a raid on a draft board but to make sure that it was carried out. He provided tools and skill without which the amateurs couldn't have performed. They committed a crime, all right, but the judge told the jury that if they found the government's own actions were "offensive to the basic standards of decency and shocking to the universal sense of justice" they could let the defendants go. The jury let them go. The government, not the antiwar protestors, was on trial. The government's lawless activities in the Ellsberg case brought a dismissal in California.

It would be too simple to make this just an attack on the FBI. After all it is a highly trained, elite group with a tradition and fine morale (if Mr. Nixon hasn't ruined it) and with plenty of legitimate and admirable work to do. But the FBI is an arm of the White House. Its present annual budget is a third of a billion. How will it be used in the future, not just tomorrow but 50 or 100 years hence?

Future clashes in diverse America are certain, between rival groups, between rich and poor, between majorities and minorities, between those who order wars and the young men who must fight the wars, between people who love their country and want to change it and people who love their country and want to keep it the way it is.

There has always been turbulence in America though each generation thinks its own kind unique: draft riots in the Civil War, Molly Maguires, the anarchists, the steel mutineers against the 12-hour day, the racial violence that burns just underground now. The majority of people generally oppose dissenters; all men want liberty but most will trade off a good chunk of it for order. Where will the FBI be? Will this elite police that Mr. Nixon tried to warp remain neutral?

The taxi moves ahead with the traffic light. For the first time a kind of downtown civilian Pentagon is planted on the capital's broadest avenue, where parades pass and inaugurals roll.

Its name is the J. Edgar Hoover Building. He dominated it for 40 years. It will be here a long time.

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Running for President

Almost three years before the first presidential primary of 1976—and with the bad taste of Watergate in everyone's mouth—few people want to think about the *next* election. Yet the money men are beginning to gather around leading Republican and Democratic contenders. For if a politician is going after the presidency, he must have a solid "nut" to finance early travel and a small starting staff. The "nut" is normally provided by a handful of trusted backers, each able to put up $50,000 and come back with an equal amount or more in another 12 months. These men are usually long-time supporters who expect to benefit personally and professionally from their early association with a hoped-for winner. A Rockefeller or a Kennedy can use his own money to prime the pump. But for the less-favored looking forward to 1976, when the Democratic field will be wide as the Grand Canyon and Mr. Nixon, if he is the incumbent, can't run again, this will be the pattern.

Whereas $500,000 can underwrite a candidate, his staff, his research and the setting up of a national organization for two years up to January of election year, the subsequent primaries will require $2 to $3 million. That is when the weight of the wider interest money will begin to be felt and funds will be sought from labor unions and local campaign workers; association lawyers and lobbyists with donations pulled together from milk producers, sugar refiners, oil companies, trucking firms, defense manufacturers, mortgage bankers, securities dealers, nursing home operators, doctors, television station owners, steel makers, auto builders—every group with a stake in government regulations or contracts. These interests know the ride to the White House is expensive; there are no cheap fares, no thumbing your way. The question the disinterested public wants answered is how matters can be arranged so that the man who wants to get to the White House can buy his ticket without being bought. That question isn't yet getting the attention it should, though it's not being ignored.

One reform of presidential campaign abuses most often mentioned is federal financing. We may someday be forced to such a system, but it is no panacea. If the federal government subsidizes general election campaigns, interest group money will inevitably be concentrated in the primaries—making those races the key to future favors.

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And if federal money also pays for primaries, how is any limit to be placed on the number of contenders? It's bad enough now. But 50 or 100 presidential candidates in primaries . . . underwritten by the taxpayer? In the past, for better or worse, the number of candidates in each party has been restricted by the finitude of well-heeled benefactors. That system may have worked to eliminate some worthy candidates, but usually those with a reasonable chance have been able to raise a "nut." With a guarantee to all of federal campaign money, how could the present primary and convention nomination system function?

There are other objections. For example who would control disbursement of federal campaign dollars? The Nixon administration has shown that a group in power may go to almost any extreme to stay in office. That could include holding up—under some pretext—campaign funds scheduled for delivery to an opposition. Who would oversee the spending of these funds during the campaign? There have been public allegations and private complaints about the presence of Secret Service agents on the campaign trail—both in primaries and general elections. Those agents, in the final analysis, work for the incumbent and their reports, from the heart of a candidate's organization, go back to Washington. What further invasion of confidentiality would result from the necessity of having auditors going over the books of each campaign organization, making certain that federal money is not being misspent. Finally what *are* the financial requirements for a presidential campaign? How much money should it get?

Short of full federal financing, however, there are steps that should be taken to cut down campaign costs. The simplest would be for Congress to require radio and television networks and local stations to provide a certain amount of free time to the presidential nominees. The time could be given in bulk—say two hours between October 1 and election day. It would be left to the candidate to use that time as he wished, either for short five-minute spots or one or two major programs or a mixture. No further purchase of time would be allowed, or at least it could be sharply reduced from what it is today. (Under present law a presidential candidate can spend six cents per voter on radio-TV, a total of about $8.4 million in 1972.)

A cut-rate stamp for use on campaign mailings could be authorized, or one free mailing per voter allowed each candidate. Trains, planes and buses traveling in interstate commerce could be required to display campaign material. The federal government could offer incentives to telephone companies to provide free or cut-rate dial-in lines and to sharply curtail other telephone service for political purposes. In brief, the federal government could help an honest man make an honest try without taking on the entire burden of paying his way.

What about limiting the duration of campaigns? It wouldn't work. Unlike the British and other parliamentary systems, American presidential elections are predictably scheduled. The contender isn't running sometime, but toward a fixed time four or eight years hence. How, under that system, can you limit campaigning? When is a politician running and when is he just putting his toe in the water? Name recognition is important and every candidate wants as much exposure as possible in this large country. The only candidate who wants to shorten the campaign period is the incumbent President. Lyndon Johnson in 1968 pushed the Democratic convention close to late August; Mr. Nixon did likewise in 1972. By tradition, Labor Day is the kickoff time, but each candidate determines when he wants to *really* start. Any artificial effort to shorten the campaign time favors an incumbent and is bound to be violated by whichever side feels it must be better known to win.

Nor is it feasible to limit the total amount that can be spent on a presidential campaign. In 1971 a 10 cent per voter limit was placed on 1972 campaigns for radio-TV (six cents of the 10) and other advertising-promotion such as newspapers, magazines, billboards and telephones. Since radio-TV stations are under government control, and since advertising for them is normally purchased centrally, the six cent limitation was respected. But the monitoring of other kinds of promotional expenditures, particularly those for newspapers, was less effective. An overall spending limitation—such as the 25 cents per voter recently approved by a Senate Commerce subcommittee—would be almost impossible to enforce during a campaign, for it would mean monitoring an expenditure of $35 million in 50 states, where *all* those involved in the campaign—local printers, pollsters, buttonmakers, even typists—would allegedly be violating the law if they had not ascertained upon their employment that they fell within the limitation figure. Moreover a general limitation of this character, some believe, might violate the constitutional right of an individual who, without reference to or approval of the candidate, wanted to speak out for or against a candidate. And once you grant that one unattached person his right, you open the door for others—some acting perhaps at the request of a candidate.

What about outlawing individual gifts of the size found in the 1972 campaign—reaching $1 million on the record? Legislation is now being pushed to set a contribution ceiling of $100. In theory, that has the luminous look of participatory democracy. Campaigns ought to be financed by "the people." But "the people" by and large were disinclined last year even to take advantage of the new $1 income tax deduction provision for contributing to the party of their choice. In the wake of Watergate, how moved will they be to give money to politicians? The dependency of politicians on interest group money and on the rich (not all of whom are looking to be ambassadors) has come

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about because candidates cannot manage without it. And the worst reform would be one that foreclosed the possibility of a good but poor man's candidacy.

Nevertheless some limitations should be established. For instance a gift tax might be applied to *any* contributions to any candidate of over $3000, making it that much more costly to big donors. At present both parties use the sham of conduit committees to which large contributions are diverted in $3000 chunks, thereby permitting avoidance of a tax. The Nixon campaign set up over 600 such committees in 1972 during the pre-nomination and campaign period. The McGovern organization had no less than 750. A gift tax should be imposed if one presidential candidate is the beneficiary of contributions from one person exceeding $3000. Furthermore contributions should be received at one central committee, guaranteeing immediate disclosure. Donors should also be prevented from giving appreciated shares of corporate stock—another practice used by both parties in 1972 that resulted in loss to the government of capital gains taxes. Elimination of both these gimmicks would reduce but not dry up campaign gifts. The best system would be to set a realistic ceiling at, say, $25,000.

And while the Congress is at it, why not eliminate cash in campaigns? Cash is the companion of questionable practices. Untraceable, it should be replaced by checks for donations or expenditures of over $100.

The General Accounting Office, operating under the Campaign Reform Act of 1971, last year did a credible job of responding to allegations of wrongdoing by both presidential campaign organizations. The system broke down when it became apparent that because the GAO had neither subpoena nor enforcement powers, the Nixon organization either gave misleading answers to legitimate questions or no response at all. When recommendations were made to the Justice Department for timely investigation and prosecution—before the election—there was silence. Only after the election, and then hesitantly and selectively, did Justice move.

To remedy that fault some independent agency should be established to process campaign fund reports, investigate discrepancies and allegations of improper activities. One proposal is for a new monitoring organization with bipartisan membership: two members appointed by the Speaker of the House, two by the president *pro tem* of the Senate, two by the President, with the comptroller general as member and operations director. The GAO would provide the manpower for investigation, armed with subpoena power and a new public hearing procedure. Witnesses could be subpoenaed during the campaign. Findings could be made public along with any recommendations put to the Justice Department for prosecution. Such timely enforcement would do more to deter "laundered" money from Mexico than any prospect of punishment after the fact.

All Deliberate Speed

Alfred C. Baldwin III, former FBI agent and the man who sat in the Howard Johnson Motel across from the Watergate Office Building and monitored some 200 Democratic telephone calls for the Nixon reelection gang, was the last witness in the Ervin Select Senate Committee's first round of hearings. It was mid-afternoon when he took the stand, the packed Senate caucus room audience had dwindled, press seats were almost vacant. By that time the national television audience may have been mostly five- and six-year-olds, searching for their favorite cartoon show.

Baldwin's testimony, dutifully if not dramatically brought out by questions from Senator Lowell Weicker, illustrated the wisdom of the committee's slow, deliberate approach to the investigation. Baldwin testified that he typed both an original *and* an onionskin carbon of the telephone calls he overheard. Apparently that was the first time that anyone other than Baldwin and his boss, convicted conspirator James McCord, had been told there were carbons of the phone logs. McCord himself had testified earlier that "all copies" of Baldwin's logs were turned over to his co-conspirator, G. Gordon Liddy, but he never mentioned the existence of carbons. Baldwin then added that on the night McCord was arrested inside Watergate, he, Baldwin, saw onionskin carbons of the phone logs inside a

"It's **got** *to crest soon."*

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briefcase he packed up and delivered that night to McCord's home.

They were small but potentially significant items. For if Baldwin's observation is accurate, what did McCord do with the carbons when he was released from jail on bond a week after his arrest? Did Baldwin tell the prosecutors and the FBI about the carbons? If he did, why didn't the bureau get a search warrant for McCord's home? It's such routine questions that will lead to the ultimate truth about the White House role. Chairman Ervin and his chief counsel, Samuel Dash, are right not to be hurried.

Bradley not Yorty

The San Diego freeway winds through the Santa Monica mountains and drops into the sweltering San Fernando Valley that is all suburban white and all part of a monstrous urban amalgam that begins 50 miles to the south. For the past 12 years this sprawling city of Los Angeles has been jauntily mayored by a chameleon Democrat, Sam Yorty. In 1969, when Yorty won his third four-year term by defeating a black city councilman and former police lieutenant, Tom Bradley, the lion's share of Yorty's vote came from the San Fernando Valley, and the reason could be summed up in two words: race and smear. A Bradley victory, Yorty charged in 1969, would mean the "taking over" of Los Angeles by "black power, left-wing radicals and identified Communists." Police morale would plummet and there'd be "such a mass of resignations that you'll really disrupt law enforcement in the community." The charges were slander, and Bradley fervently denied them, but they frightened enough voters in the valley to lift Yorty from 28 percent of the vote in the primary to 53 percent in the run-off.

This year was nearly a rerun of 1969. Bradley led in the April primary with 35 percent of the vote to 29 percent for Yorty, 17 percent for former assembly speaker Jess Unruh, and 12 percent for Tom Reddin, a former police chief. Yorty's strategy for the May 29 run-off was, again, to link Bradley's skin color to Watts, crime, welfare, riots, radicals and the end of the American Dream. When Huey Newton, a founder of the Black Panther Party, off-handedly mentioned at a press conference that he favored Bradley for mayor, Yorty crowed that "this man [Bradley] is just anti-police, so naturally Huey Newton would prefer him . . . I've never heard Mr. Bradley say anything bad about the Black Panthers." A week before election day Yorty mailed computer-typed personalized telegrams to several hundred thousand households in predominantly white precincts. "The April 3rd primary saw extremely low turnout in 1973," the telegrams said. "In comparison, Watts had a phenomenally high turnout. Black bloc vote went massively for Bradley. Radical elements could control our police department and city services, as in Berkeley . . . If we are to win, maximum turnout in 1973 . . . is vital." A full-page election-eve ad in the *Herald-Examiner*, signed by Yorty's campaign chairman, oilman Henry Salvatori, again attacked "Bradley's ties to the Black Panthers."

This time it didn't work. San Fernando Valley voters ignored Yorty's exhortations and, in large numbers, stayed home or voted for Bradley. The result was a citywide turnout of about 65 percent, compared to 75 percent in 1969. Bradley's total came to 56 percent, which could almost be called a landslide. He received almost exactly half of the white Anglo vote and a slight plurality among Chicanos. The victory should comfort the UCLA alumni association, which can now balance the bad news of Haldeman and Ehrlichman against the good news of Bradley. Bradley's campaign was very well financed—more than $1 million was spent in the primary and run-off, much of it coming from wealthy liberals, including computer millionaire Max Palevsky, who served as campaign chairman. Bradley's radio and TV spots, produced by New York ad man David Garth, effectively portrayed Yorty as a do-nothing junketeer who failed to take the mayor's job as seriously as would Bradley.

An intangible but probably significant factor was the trickle-down effect of Watergate. Yorty personifies the kind of flag-waving, mud-slinging politics that made Richard Nixon famous. Thanks to Watergate, dirty tricks were the talk of the nation, even in the San Fernando Valley. The financial irregularities connected with Watergate also had counterparts in Los Angeles. Bradley made much of the fact that a Citizens for Yorty group had collected hundreds of thousands of dollars in secret donations over the past 12 years. These funds, raised at $100-a-plate dinners in nonelection years, were subject neither to the state's campaign disclosure law nor to income taxation as gifts. Toward the end of the campaign it was revealed by a city councilman that the Citizens for Yorty group had used some of its funds for personal purposes. Yorty tried to brush it off as income he "deserved." The insurance policy, the secret gifts, the too-obvious smear tactics, didn't necessarily create Bradley votes, but they kept many potential Yorty voters away from the polls.

Bradley will now have to grapple with such notable Angeleno problems as smog, unchecked development and inadequate rapid transit, as well as with the usual urban headaches of crime, unemployment and poverty. He'll be hamstrung, as was Yorty, by the relative powerlessness of the mayor's office—power in Los Angeles is dispersed among a multitude of special-purpose districts and autonomous city departments. But unlike Yorty, he appears determined to come out fighting. (Yorty remarked during the campaign that smog was not something "we should get too panicky about.") Bradley has vowed to start digging

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rapid transit system within a year and a half, downzone undeveloped land so the city's population will not exceed four million, put more patrolmen on the street and appoint new faces to the city commissions. But how well Bradley does seems less important at the moment than the simple fact that eight years after the Watts uprising, the voters of America's third largest city, 85 percent of whom are white, are not afraid to have a black mayor.

The Nixon Watch

Kissinger & Haig

This piece is about two men in the President's service, Henry Kissinger and General Alexander M. Haig, Jr., whom I have admired in the past without serious reservation. In my opinion, they continue to serve Mr. Nixon and through him the country in necessary and useful ways at a time when he and the country need all the help that's available. At the moment and specifically, they are doing what they appear to believe they honorably can do to help the President survive the Watergate scandals and, while doing this, diminish the stain from those scandals that inevitably touches them. The fact that it touches them is in itself evidence and a part of the encompassing Watergate tragedy. What follows is an effort to place their roles in a perspective that does them justice without minimizing the enormous offense against the public good and against decency in the public service that Watergate in its totality constitutes.

It must be said that the offense is compounded by everyone, beginning with the President and including Kissinger and Haig among others at the White House, who in whatever ways and for whatever reasons tries to obscure and narrow adequate understanding of what the varied evils now labeled "Watergate" involve and signify. That is precisely what the President, Kissinger, Haig and the few other assistants who are trusted and relied upon at the seat of the endangered Nixon presidency are trying to do. No absolution for that effort and the distortions of fact and understanding that result from it is offered here. The sole points to be made in behalf of the immediate subjects, Kissinger and Haig, in their current roles as the President's defenders are that they and others in more or less equivalent positions at the White House must do what they are doing so long as they choose to serve a President who clings to his office as Mr. Nixon is clinging to his; and that, on the basis of the facts known at this writing, they do not deserve the worst of the hard time they are getting in much of the Watergate reporting and comment.

Because General Haig is the lesser known of the two, we begin with him. He is a professional soldier and he was an army colonel when, at age 44, he joined Kissinger's National Security Council staff in 1969 after tours at the Defense Department and at West Point. In four years the President promoted him to brigadier and major general and, last January, jumped him past the three-star grade of lieutenant general to four-star rank and made him the army's vice chief of staff. During the four years of Haig's NSC duty, the last 30 months of it as Kissinger's only deputy assistant for national security affairs, I never heard anything but good about Haig from the harried assistants, nearly all of them civilians, who labored under the Kissinger lash and found in Colonel and General Haig a capacity for calm and orderly performance under pressure that Kissinger notoriously lacks. Mr. Nixon evidently found a good deal more in Haig: he alone among Kissinger's associates came to share the President's confidence and to be consulted by him in matters of high policy in anything like the degree that Henry Kissinger shared it and was consulted.

In retrospect, however, one perceives qualities in Haig that a former cadet who had some dealings with him at West Point, where Haig was a regimental commander and deputy commandant, describes in admittedly hostile fashion in a recent issue of the *Village Voice*. The sometime cadet is Lucien K. Truscott IV, grandson of a famous World War II general and son of a career army officer. Beneath Haig's "charisma and leadership ability," Cadet Truscott detected "a compulsive desire to keep everything within the regiment," including rampant marijuana smoking and honor code violations, and an absolute regard for vested authority and sanctity of orders. Soon after Haig was recalled from the Pentagon to replace discarded H. R. Haldeman as the President's administrative chief of staff at the White House, I heard stories about him in his earlier NSC role that seem to reflect some of the qualities noted by Truscott. At the time of the Cambodia invasion in 1970, when several of Kissinger's assistants quit, Haig in his rage and disgust showed a dismaying inability to grasp or acknowledge the possibility that good men might put principle above orders and higher authority. The NSC resignations occurred for a variety of reasons, objection to the Cambodia operation among them but not in most instances the primary cause. Even so, they didn't justify the harsh and critical reaction from Haig that some of the victims now recount. Truscott concludes in his savage memoir that Haig as the President's White House administrator is ideally suited to the obfuscation and concealment of past wrongs that the job requires and may be better at it than Bob Haldeman was. To me, the chief significance of Haig's return to the White House is its evidence of the President's pathetic shortage of people whom he trusts and to whom he can turn in a time of extreme need. Something is said about the President's plight when he has

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to deprive the army of its vice chief of staff and install a four-star general in a job that a military man simply shouldn't be doing. Still more is said when Mr. Nixon has to look for excuses to keep General Haig in an essentially political and civilian function for at least a year because nobody else with his recognized skills and reputation for integrity is known and available to the President.

One of General Haig's recent duties has been to urge upon certain reporters and commentators the view that the domestic surveillance, wiretapping and related measures that the President has confessed to instituting in 1969 really have nothing to do with the overall Watergate scandals in which these activities have become enmeshed and should not only be distinguished from the Watergate evil but justified on the ground that they were as necessary for "national security" as Mr. Nixon said they were on May 22. Columnist Joseph Kraft's assertion the other day that Haig in the process "has been blackening reputations and disclosing the contents of wiretaps—itself a violation of the law" was excessive and may have been based upon misinformation. But General Haig's White House assignment opens him to the charge and, at the least, makes him by definition a participant in and abettor of the President's transparent effort to cloak himself and his stingily acknowledged responsibility for the Watergate climate in the camouflage of national security.

Now for Henry Kissinger and his part in the same endeavor. My sympathies are with Kissinger and not with the whining complaint that the NSC assistants whose home telephones were tapped in the course of the aforementioned surveillance operations were outrageously imposed upon in violation of their civil and personal rights. People who hold NSC and similar staff jobs at the core of national security policy formulation—and there are compelling considerations of national security, despite the President's protective abuse of them—waive normal rights to personal privacy. Competent professionals in such jobs understand this and accept the occasional consequences. The acknowledged tapping of four journalists' phones that also occurred between 1969 and early 1971 is a different affair, but there could be and perhaps were justifying reasons for that as well. All of which is prelude to my view that Henry Kissinger mishandled but did not disqualify himself when the issue was raised by disclosure of the taps on some of his assistants. He dissimulated, he equivocated, he came mighty close to lying as Joe Kraft asserted he did, before he finally got around to saying publicly on May 28 that "my office supplied [to the FBI] the names of some of the individuals who had access to the information that was being investigated" and adding: "I am responsible for what happens in my office and I won't give the names of the people who did it." The man who did it for Kissinger was Haig. Both of them were acting on the President's authority and both of them, in the sense already indicated, must share with him some of the responsibility for the White House climate that produced Watergate.

John Osborne

A Food Shortage Next Year?

The Grain Drain

An unexpected order went out on March 23 from the Department of Agriculture (USDA) to its field offices directing a quick sale on a "highest bid" basis of grain stored in government bins and warehouses. Few elevator operators or farmers were in a position to take advantage of the offer, however, and by March 26 the field offices were told to report unsold amounts to the Kansas City office. A crash drive to unload the remainder on the big grain companies followed. Within 24 hours, most of some 25 to 26 million bushels of corn in government storage had been sold, all but five or six million of it to the large firms. Not all the details are known, but officials of some of the firms have told friends that USDA all but begged them to "take it off our hands," apparently because the order to sell had come directly from the White House. The big dealers were able to dictate their own terms, such as no cash down payments and free storage until grain could be moved. Having insured themselves of free storage with no initial cash investment, the big firms could sell the grain on "futures contracts" at prices up to 50 cents per bushel above the purchase figure. This means the sudden USDA sale could yield a $10 million bonanza to the big companies. The biggest share, perhaps half the total, will go to Continental Grain, the firm that signed on former assistant secretary of Agriculture Clarence Palmby after he helped negotiate the Russian wheat deal last year.

The whole episode so enraged Sen. Harold E. Hughes (D, Iowa) that he has asked the General Accounting Office (GAO) for an investigation. Hughes has accused USDA of selling with "unexplained haste and under circumstances which would appear to favor the big grain dealers." A preliminary report from GAO is expected soon.

The timing of the sale was extraordinary. The corn belt from Ohio across the Midwest into eastern Nebraska has suffered one of its wettest periods in history. Last fall heavy rains and early snows severely hampered the 1972 harvest (there's still a lot of corn in the field in Missouri and Iowa, most of it ruined). Once the bulk of the crop was in, it needed to be dried out. Fuel for the purpose was in short supply, so more of the harvest was ruined. Fall plowing was out of the

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question in many areas. The snows continued through the winter months, turning into heavy spring rains and major flooding. By late March, when the government's corn reserves were suddenly sold off, there was serious doubt about whether the farmers would be able to get their 1973 crop seeded.

Planting has been delayed. The rule of thumb in corn country is that you lose a bushel per acre for every day after May 1 that planting is delayed. By May 15, Iowa farmers had only 18 percent of their crop planted. Ideal weather the next week plus round-the-clock planting seven days a week brought the figure up to 64 percent by May 22 (the five-year average for that date is 85 percent). Despite that performance, it's still probable farmers will lose five to 10 bushels per acre, and much of the remaining acreage is so waterlogged that farmers had to plant around it.

Crop estimates of USDA are optimistic, which is customary for this administration. USDA is predicting a six-billion bushel crop, up from last year's 5.7 billion bushels, partially because USDA encouraged farmers to plant record numbers of acres. The National Corn Growers Association isn't so optimistic. As of May, it estimated the crop at 4.9 billion bushels, the decreased yield resulting from late planting.

The transportation breakdown is another story. To offer the government-owned corn to the country elevators, already overflowing because boxcars aren't available to move it to the major markets, was a bad joke. Individual farmers are in the same fix. Their plight is a major reason the grain companies could dictate their own terms, including free storage, when Butz & Co. decided to unload the reserves.

No one could accuse Secretary Butz of not knowing about the boxcar shortage, since it has been aggravated by the sale of over $1 billion worth of wheat to Russia, a sale that helped balance the trade deficit and was heralded by Butz at every whistle stop in the farm belt in last year's campaign. The shortage of railroad cars itself can't be blamed on Butz. It's something that's been building up for a long time and has affected states all across the Northwest at harvest time for years. It's critical right now because between 8000 and 10,000 boxcars loaded with wheat are sitting on the sidings outside Gulf Coast ports waiting to be unloaded onto ships.

Part of the trouble can be traced to the scandal-ridden, bankrupt Eastern railroads. During the years they were being raided by speculators who sold off the assets, these roads didn't invest in any new boxcars; instead, they cornered those of Western roads and paid rent on them. It was cheaper and didn't tie up any of the cash being siphoned off. Attempts by Western interests to get the Interstate Commerce Commission (ICC) to adopt new rules forcing the return of the boxcars were met with private explanations that to do so would make it impossible to move food and fuel up and down the heavily populated Eastern corridor. So nothing was done and we have a transportation crisis. And it affects more than the grain industry. It's affecting lumber, which can't get moved from the Northwest, and that results in higher lumber prices in the East. Transportation problems are apt to affect the cattle industry in the fall too.

If the estimates of the National Corn Growers Association are more accurate than those of the USDA, corn prices will shoot up in the fall and so will the price of that corn-fed beef. (Grain prices even now are surging. In the past month corn has gone up 30 percent.) Winter storms took a high toll of cattle—approximately one percent of the nation's herd (USDA estimates the herd at 122 million) died in the snow during the winter and spring. That means the normal growth increase in cattle production of one to two percent won't occur and, with the devaluation of the dollar, cheap meat from countries like Australia won't be available.

A bumper grain crop could still brighten the picture, though the farmers still have to worry about the fuel shortage. Farmers only use about three percent of the nation's fuel, but the Midwest is always one of the first areas to notice a shortage because of the oil industry's distribution system. It serves the purposes of the oil industry to pressure the consuming public with the threat of a food shortage, thus softening up public opinion to accept industry's demands—an end to price regulation of natural gas at the wellhead, curbs on imports, freer access to public lands, less interference from the environmentalists.

The miracle of American agriculture since World War II—in terms of quality, abundance and price—has been such that it's difficult to cope with the idea of scarcity. We've had surpluses so why worry about the sale of government grain reserves representing such a small percentage of the crop? The answer of the experts is that there are currently no reserves of food in the world, that people everywhere are wholly dependent on this year's crop. On a recent trip to Europe, Rep. John Melcher (D, Mont.) found responsible leaders not only alarmed but ready to cooperate in establishing a world food reserve, at the very time Butz has embarked on a program of getting the government out of the storage business, of putting it in the hands of the grain trade which will then control reserves. E. M. Ojala, assistant director of the Food and Agriculture Organization, is expected to propose a minimum world food security program at a meeting in Rome this month. He has warned that remaining grain stocks aren't an adequate buffer against the kind of crop failures witnessed in recent years—from wheat in Russia to onions and potatoes in the US—and that "this is not a tolerable human condition in the latter part of the 20th century."

Paul R. Wieck

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The Trident Submarine

Politics under the Water

by Peter J. Ognibene

Since the Strategic Arms Limitation agreements were signed in Moscow a year ago, the United States and the Soviet Union have been noticeably restrained in characterizing each other. In earlier days when former Secretary of Defense Melvin Laird spoke of Soviet intentions, he leaned heavily on doomsday scenarios to make his point, which, more often than not, was that we needed to increase spending on nuclear weapons. By contrast his successor, Elliot Richardson, struck a more conciliatory note when he presented his defense posture statement to Congress in March, and President Nixon sustained that tone in his more recent state of the world message. Welcome as these limitations on rhetorical overkill are, they unfortunately have not been accompanied by any comparable restraint in nuclear overkill. Nowhere is this more evident than in the massive funding of a new ballistic-missile submarine fleet.

On September 14, 1971 the secretary of Defense directed the navy to begin "engineering development" of a new longer-range missile, then designated ULMS-1 (for Undersea Long Range Missile System). The missile was to be ready for operation in 1977, and a new submarine, ULMS, was tentatively planned for 1981. The level of funding for research and development of both was relatively modest: $105 million in fiscal year 1972. A slightly higher appropriation would have been required in 1973 had the program stayed on this schedule, but it did not. For reasons which the Pentagon has never made clear, on November 1, 1971—just a month and a half later—Laird ordered the program accelerated so the first ULMS submarine would go to sea three years sooner, in 1978. He rationalized his decision as a response to "the continuing Soviet strategic offensive force build-up" and a "signal to the Soviets . . . in the face of a growing Soviet threat." Asked by the Senate Armed Services Committee to explain what new information had been received between September 14 and November 1 to justify the speed-up, Rear Admiral Robert Kaufman, the program coordinator, said, "I don't really think that there was any one specific piece of information which became available to bring about the decision to accelerate. It was more an accumulation of threats and indications, as well as an awareness of trends, which drove the decision." What those "threats," "indications" and "trends" were he did not say.

The five-year offensive arms limitation SALT agreement froze land-based intercontinental ballistic missiles to the levels existing in mid-1972: 1054 ICBMs for the United States and 1618 for the Soviet Union. Ceilings were also set limiting the US to 44 modern ballistic-missile submarines and 710 submarine-launched ballistic missiles and the USSR to 62 submarines and 950 SLBMs. While the numbers appear to give the Soviet Union an advantage, they do not tell the whole story. "The quality of the weapons must also be weighed," said Mr. Nixon. "We have a major advantage in nuclear weapons technology and in warhead accuracy. And with our Multiple Independently Targetted Reentry Vehicles (MIRVs) we have a 2 to 1 lead in numbers of warheads." Furthermore that lead will become 4 to 1 by the time the interim agreement expires in mid-1977 unless the Soviet Union develops and deploys MIRVs in the meantime. Although the Pentagon has frequently predicted a Soviet MIRV test was imminent—in June 1972 Laird said one would be tested within 6 to 9 months—it has yet to happen. We developed MIRV to counter an extensive Soviet anti-ballistic missile system which, thanks to the ABM treaty, can now never be built. So just six months after Laird ordered the acceleration of the ULMS submarine in response to a "growing Soviet threat," the threat stopped growing. It didn't matter. The program was not put back on its original course; all that changed was the name: ULMS became Trident.

Last year the navy asked for $977 million, about a third of which was to begin procurement of elements of the new submarine. An amendment to the military authorization bill to eliminate procurement funds (but continuing those for research and development) was offered by Senator Lloyd Bentsen (D, Texas), who had presided over the Armed Services Committee's hearings on Trident. On July 27, 1972 the amendment was defeated 47 to 39. Later that summer the House Appropriations Committee approved $795 million for Trident, but this 19 percent reduction had no effect on the program which, by then, had acquired a momentum of its own. The Armed Services Committees of the House and Senate are currently considering the navy's fiscal 1974 Trident request for $1.7 billion.

The new missile has already gone through more name changes than a Hollywood starlet. It is now called Trident 1. Before that it was ULMS-1. But the

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original name was EXPO, an acronym derived from Extended Range Poseidon. Trident 1 (nee EXPO) was originally designed for installation on the 31 Polaris submarines that are being modified to carry the Poseidon SLBM, a 2500-mile range missile that carries 10 to 14 MIRVs. Trident 1 will have a similar payload, but it will have a range of 4000 miles. The conversion from Poseidon to Trident 1 could be carried out relatively quickly by submarine tenders; no shipyard would be required. In other words, Trident 1 is a program that could be developed and produced without the Trident submarine.

The navy naturally does not look at the missile and submarine as separate entities but as one program called Trident. Based on the technology developed for the new missile, a Trident 2 is planned for the mid-1980s. It will be similar to Trident 1 in payload, but it will have a range of 6000 miles. It will be too large for Poseidon launch tubes, but it would fit in the Trident submarine. The name Trident, then, covers three distinct elements: the submarine and two missiles. In using the single name, the navy is attempting to create the impression that three are actually one. Trident has become the navy's Holy Trinity.

Last month the navy added to the appearance of Trident's indivisibility. Admiral Kaufman announced that the Pentagon had "elected to have the Trident 1 missile operational capability match that of the submarine, that is, 1978. . . . The decision defers the possible backfit of Trident missiles into Poseidon." The effect of this decision is to *decelerate* the development of Trident 1. How does the navy explain this contradictory step? Has there been a diminution in the threat? No, said Kaufman, the decision "does not infer any reassessment of threat, or any softening of the threat. It is a decision which is fiscally driven." Last year Congress was asked for a tenfold increase in funds for Trident because of what Laird called the "growing Soviet threat." Congress granted an eightfold increase, and Trident was put on a new schedule so the first boat would go to sea in 1978 instead of 1981. Now, one year later, the navy tells us the threat has not lessened, but it is delaying deployment of Trident 1 from 1977 to 1978 so the submarine and missile will be ready at the same time. By deferring a decision to put the new missile on Poseidon, the effect is to cancel that option. So from full-speed-ahead we have gone to full-speed-astern.

From a purely strategic standpoint, this 180-degree change of course is absurd. If the Soviet Union were to develop an effective, large-scale anti-submarine warfare (ASW) system, the installation of Trident 1 SLBMs could be an appropriate countermeasure. According to Vice Admiral Philip Beshany, the deputy chief of naval operations for submarine warfare, Trident 1 would give Poseidon submarines "four times" as much ocean in which to operate. By delaying Trident 1 just so it will coincide with the delivery of the first Trident submarine, the navy has thrown away an important military option and has gained nothing in return—except to tie the separate elements of Trident more closely together to make it a more salable commodity.

In February Secretary of the Navy John Warner announced that the 10 Trident submarines would be based in Bangor, Washington, and would operate in the Pacific Ocean. Here is another questionable decision. "Pacific basing," says Admiral Kaufman, "confronts an enemy with a need for a large, two-ocean ASW counter if he is invited to attempt to blunt our sea-based systems." In fact just the opposite is true. Although there is nothing to indicate the Soviet Union will be able to develop the technology for a large-scale underwater acoustic detection system that would threaten our Polaris fleet, *if* it could, the Pacific Ocean would be the place to do it. The long Soviet Pacific coastline would facilitate the collection of sensing data and make it easier to find our submarines. Having no coastline on the Atlantic Ocean, Soviet ASW potential there would be severely limited. Moreover if Trident's targets were west of the Urals—Moscow, for instance—the submarine would have to operate relatively close to the Soviet Pacific Coast. Another handicap is the location of the base. Trident submarines leaving Bangor would have to pass through the Juan de Fuca Strait to get to open sea. Hence Soviet killer-submarines would be able to monitor their movements in and out of port and possibly track them. In the event of war, the strait could be mined à la Haiphong. From a military standpoint, it is hard to defend the choice of Bangor as Trident's home base.

The one-year delay of Trident 1 and the choice of Bangor for the submarine base make poor strategy, but they may be good politics. When Senator Bentsen moved to eliminate Trident procurement funds last year, it failed to pass the Armed Services Committee on an 8 to 8 tie. One of those voting *for* the motion was Senator Henry M. Jackson (D, Wash.). A few weeks later, however, Jackson reversed himself and voted *against* the Bentsen amendment on the Senate floor. The base at Bangor will cost $550 million to build and will pump a $100 million-a-year payroll into the sagging economy of Washington State. With so much at stake for his constituents, Jackson is unlikely ever to look critically at Trident again. His support for the full program in the deliberations of the committee should more than offset the absence of the recuperating chairman, Senator John Stennis of Mississippi.

Most legislators do not have such a direct stake in Trident; for them the politics is in the packaging. The cost of 10 Trident submarines armed with Trident 1 SLBMs was estimated last year at $13.5 billion, but inflation alone could drive it $1 to 2 billion higher. Recent reports of the General Accounting Office on

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military procurement have not shown estimates for the Trident program because the navy took the highly unusual step of hiding the figure behind a security classification. Because the costs of the missile and submarine were not made public, the average legislator will never see them, which seems to be precisely the navy's reason for classifying them. When the characteristics of the missile and submarine are public knowledge, one can hardly argue "national security" for the classification unless, of course, we intend to sell submarines to the Russians along with our wheat.

In March former Defense Secretary Richardson said that Soviet ASW capabilities currently "do not represent a significant threat to the US ballistic missile submarine fleet." Admiral Kaufman echoed the sentiment, saying: "We have no immediate threat to our submarines today." But what of tomorrow? What sort of threat does the navy foresee?

In last year's Senate Armed Services Committee hearings on Trident, Vice Admiral Hyman G. Rickover was candid: "It is impossible logically to prove why you need a new weapon. You have to depend on experience, on intuition, on the capability of the people concerned. I must say this because we are constantly being asked to prove exactly why we need a new weapon, and frequently we cannot logically prove it." A variation on this theme was heard more recently by the same committee when Admiral Kaufman warned that "an unexpected breakthrough might occur with even less notice than the escalating, evolutionary ASW capability of the more usual nature." In other words, to put it bluntly, the navy has not the foggiest idea what form a future ASW threat might take or, for that matter, if there will ever be a threat to our present fleet. When admirals have to resort to "intuition" and improbable "breakthroughs" to rationalize a new weapon, it is a safe bet they have no militarily sound justification for it.

If the navy does not need Trident, why are squadrons of admirals fighting for it? Maintenance of personal empires is one suggestion usually raised by critics, and they may have a point. In reading the testimony of navy witnesses for Trident, one is struck by the almost ingenuous rationalizations they sometimes use. Any parent who has ever given a toy to one child but not another will recognize this wail: "The Soviets have a more modern ballistic missile fleet than we do . . . If we do not start to work on the ULMS [Trident] system now, the late 1970s and early 1980s could see us with old submarines and the Soviets with new ones." The speaker was Admiral Beshany, and what he neglected to point out was that the Soviet ballistic-missile submarine fleet is no threat to ours because its targets are on land. Hence any comparison of our fleet to theirs is irrelevant. What matters is how well our submarines can perform against possible enemy countermeasures. Although the Soviets may have newer boats, their missiles are less accurate, shorter in range and have no MIRVs. Measured by the attributes that really matter—firepower and extent of operating area—Polaris and Poseidon are unquestionably superior, but you would never know it the way the navy talks.

The first Polaris submarine was built in 1960, the last in 1967; listening to the admirals, however, one would think they were museum pieces. Last year Admiral Beshany said, "Our navy's strategic force must advance from the technology of the 1950s and early 1960s which is embodied in today's ships and get a start on a system with assured survival against all existing or developing counters." What sort of submarine is the technology of the 1970s going to produce? This year Admiral Kaufman gave a clue: "It perhaps speaks well for the designers of our Polaris system to reveal that Trident resembles nothing so much as an enlarged Polaris submarine." In other words, the new submarine will not be a giant technological leap forward.

The only legitimate reason for building a new ballistic-missile submarine fleet would be to replace Polaris when it is too old to go to sea. When will that be? As of now we have every reason to believe the Polaris and Poseidon fleet will be seaworthy well into the 1990s. In short we are planning a new submarine at least a decade too soon. By Admiral Beshany's logic, it would make little sense to build a submarine with the technology of the 1970s when a replacement for Polaris ought to be built with technology of the 1980s. It also makes little sense to announce to your adversary what your future forces will be before you know his possible countermeasures. At 16,000 tons Trident will be about twice the size of Polaris; with its 24 missile tubes we could maintain the same number of SLBMs with a one-third smaller fleet. This may be more economical, but it could be unwise. Critics believe a smaller boat—one with 12 launch tubes, for example—would be harder to detect and destroy because there would be twice as many of them as there would be Tridents. Why, they ask, should we put our sea-based deterrent into fewer and larger targets?

Mutual deterrence requires that both the United States and the Soviet Union possess invulnerable nuclear forces that can inflict unacceptable damage on an adversary after suffering a surprise first strike. Unless arms control and disarmament measures can appreciably alter the nuclear balance of forces, we will need ballistic-missile submarines well into the future. But, to use President Nixon's term, what is "nuclear sufficiency"?

The navy says the Soviet Union cannot find even one of our Polaris submarines, let alone destroy it. Each Poseidon submarine has 16 SLBMs with MIRV that could hit 160 separate targets; two such submarines could destroy about 30 percent of the pop

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ulation and 50 percent of the industry of the Soviet Union. When the final conversion is completed in November 1975, there will be 31 Poseidon submarines and 10 Polaris; their 656 SLBMs will be capable of hitting 5120 separate targets with nuclear warheads two to three times more powerful than the one that laid waste Hiroshima. With such firepower hidden in some 15 million square miles of ocean, Polaris and Poseidon alone more than fill the requirements of "nuclear sufficiency."

Trident 1 SLBM could be installed aboard Poseidon submarines if our shorter-range missiles ever become vulnerable, but there is no indication they will be. The Polaris A-3 and Poseidon SLBMs, which have 2500-mile range, are not now threatened, and last year Admiral Kaufman said, "we show only a bare glimmer of a threat to A-1 and A-2 [Polaris SLBMs of 1200- and 1500-mile range]." What is this threat? "Well," said the admiral, "it is just the off chance that you might have a collision with another submarine, for example, a Russian submarine." If Congress wants to build the 4000-mile Trident 1 SLBM for Poseidon, it can, and should, separate its development from that of the Trident submarine.

What would be the consequence of such separation? The most immediate result would be a savings of nearly $1.2 billion that would have gone for procurement of the first Trident submarine. If the new boats are never built, the savings would probably be greater than $10 billion. If the 240 Trident 1 SLBMs that would have armed the 10 Trident submarines are instead installed on 15 Poseidon submarines, their operating area will be extended by a factor of four. The operating area for Trident with Trident 1 missiles would, of course, be the same.

The classical preconditions for a multibillion dollar cost overrun are present in the Trident program: hastily laid plans, massive congressional appropriations and a sense of urgency. The navy asked for nearly a billion dollars last year, and now the service is asking for $1.7 billion for fiscal year 1974. Will Congress grant it?

Since the Cold War began, Congress has been docile in its confrontations with admirals and generals, but there seems to be a new feeling on Capitol Hill that Congress must become what the Constitution intended it to be: an equal branch of government. The Constitution specifically empowers the legislature "to raise and support armies" and "to provide and maintain a navy." Through inaction, Congress has surrendered these powers, and the President has assumed them. They can be regained if the House and Senate will but exercise them. A good place to start would be by cutting military spending for weapons we do not need. First on the chopping block should be the Trident submarine.

From Whittier to the White House

Nixon's Way to the Top

by Eliot Marshall

Richard Nixon entered national politics in 1946 when a Whittier-centered group of 100 California businessmen picked him as their man to run on the Republican ticket against Democratic Rep. Jerry Voorhis. Besides providing money, they gave him a campaign manager, Murray Chotiner, a Los Angeles lawyer who had run campaigns for Republican Sen. William Knowland and Gov. Earl Warren. Chotiner designed the game plan which Nixon afterward adopted as his own. It was so successful that Republicans later sent Chotiner on a tour of the country to lecture other candidates. Chotiner believed in leaving "nothing to chance" and beginning a full year before an election, "because you need that time to deflate your opposition . . . There are many people who say we don't want that kind of campaign in our state . . . I say to you in all sincerity that if you do not deflate the opposition candidate before your own candidate gets started, the odds are that you are going to be doomed to defeat."

Voorhis was a New Dealer who had once registered as a socialist but since coming to Congress had shown that he was anything but "soft on communism." He had sponsored a bill (the Voorhis Act) requiring Communists and foreign agents to register with the government. Nevertheless challenger Nixon managed to entangle the incumbent in a debate over radicalism,

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and one Nixon handout said,"A vote for Nixon is a vote against . . . socialization of free American institutions, against . . . the PAC, its Communist principles and its gigantic slush fund." The defeated congressman later called it "the bitterest campaign I have ever experienced."

Other Nixon opponents felt the lash of this anti-subversive whip in later campaigns. When Nixon decided to move up the political ladder in 1950, he confronted a respected fellow representative from California, Helen Gahagan Douglas, competing for a vacant Senate seat. Mrs. Douglas had an anti-Communist record, but she too was cut to bits by the Nixon-Chotiner onslaught. Nixon charged that she had a "soft attitude toward communism . . . . How can Helen Douglas, capable actress that she is, take up so strange a role as a foe of communism? And why does she when she has so deservedly earned the title of 'the pink lady'?"

By then the formula could not have been more Nixon's own had he patented it. Touring the country during the 1954 congressional campaign, Vice President Nixon told an audience that Eisenhower, when he arrived in Washington on January 20, 1953, had found "in the files a blueprint for socializing America." This "dangerous, well-oiled scheme," he said, "contained plans for adding $40 billion to the national debt by 1956. It called for socialized medicine, socialized housing, socialized agriculture, socialized water and power, and perhaps most disturbing of all, socialization of America's greatest source of power, atomic energy." When reporters asked Nixon's press agent for a copy of the blueprint, they were told the Vice President hadn't had any specific document in mind, but was using "figurative" language.

In another burst of hyperbole that year, Nixon asserted that "96 percent of the 6926 Communists, fellow-travelers, sex perverts, people with criminal records, dope-addicts, drunks and other security risks removed under the Eisenhower security program were hired by the Truman Administration." The chairman of the Civil Service Commission, appointed by Eisenhower, was later asked about this and could not recall a single government employee being fired for being a Communist or fellow-traveler.

One of the perennial problems of Republicans running for office in California is that registered Democrats far outnumber registered Republicans. So GOP candidates must either keep Democrats away from the polls or convince them they should switch temporarily for the good of the party, state or nation. Voorhis maintains that "Mr. Nixon was reelected to Congress in 1948, partly at least because he succeeded in representing himself as a Democrat to Democrats in the district. Post cards bearing Nixon's picture were mailed to thousands of Democrats. They bore the salutation, 'Dear fellow Democrat' and urged the recipient to reelect congressman Nixon." Similar tactics were used in the 1950 fight against Mrs. Douglas. One Nixon handbill sent out to registered Democrats began, "As one Democrat to another . . ." and went on to make the case that California should put a strong anti-Communist in office. Another pamphlet used in that campaign was headed "Fellow Democrats!" Inside it asked, "Is Helen Douglas a Democrat?" and answered, "THE RECORD SAYS NO!"

In the elections of 1956 and 1958, reporters detected a "new Nixon," and again in 1960, running for the presidency, Nixon, having to defend a record rather than attack one, was said to be more mellow. It was not until he returned to California for the governor's race in 1962 that Nixon slipped back into his more familiar role as the man who campaigned against his opponent's "Communist friends," the "pink lady," Acheson of the "pink-eye" and the socialist blueprint. This time he was fighting for his political life, or so he thought, and he fought desperately.

For this gubernatorial campaign Nixon assembled an impressive staff of professionals, many of whom became key figures in the campaigns of 1968 and 1972. Chief manager was an ad man, a vice president on leave from the J. Walter Thompson agency, H. R. Haldeman. An old college friend of Haldeman, John Ehrlichman, came aboard as the Los Angeles manager, but apparently was not paid by Nixon headquarters in San Francisco. Attorney Herbert Kalmbach and John Kalmbach were active. Maurice Stans was director of finance. Caspar Weinberger was chairman of the Republican state committee, working closely with the Nixon group. Herbert Klein and Ronald Ziegler were listed as "publicity agents," and Dwight Chapin as "clerk." Murray Chotiner was an unsalaried adviser.

The final statements filed under California law with the secretary of state showed that the chief Nixon for governor committee spent more than $1,421,000 and the central Democratic committee for Gov. Pat Brown spent more than $962,000. Comparing the total expenses of the four largest committees in the race, the Nixon forces spent about $1.7 million and the Democrats about $2.0 million. In the last bitter days Nixon charged that Brown was trying to buy the election. The Democrats released an internal memorandum of the Republican committee outlining proposed expenditures of $1,440,000. Chotiner then told newsmen that Republicans were spending "only a fraction of that." H. R. Haldeman said the Democrats were spreading a "deliberate distortion," and that "the campaign is not costing $1,440,000 or anything like it." Haldeman later said under oath that the Nixon committee spent between $750,000 and $900,000 directly to influence Democratic votes, which he said was one-third to one-half of the total filed campaign expenses. Thus while actual filed expenses were $1.4 million, Haldeman's sense of the situation led him to guess one year later that the total cost had been be

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tween $1.5 and $2.7 million.

It's difficult to say who first put the 1962 campaign on the low road of "fear and smear" as Nixon described it, but Nixon's previous red-baiting surely went a long way toward creating the hysterical mood that drove Californians to the excesses of 1962. Nixon's big problem was the extreme right wing of the party, which he had to defeat to win the Republican primary; afterward he had to win back some of those votes for the general election. Early in the year he spoke out against the laxity of California's anti-subversive regulations. But he didn't attack in earnest until the second week of September, when he formally announced his candidacy and declared that Gov. Brown was "not capable of dealing with the Communist threat within our borders." Nixon proposed a "three-pronged" attack on subversives: "investigation, legislation, education."

By October the charges were flying back and forth at incredible speed. Brown said Nixon was "dusting off his old witch's hood to woo the support of the John Birch Society." Nixon said Brown didn't care about the unemployed. Brown said Nixon was a man "without heart." A Brown-appointed member of the education board stood up at a debate between Nixon and Brown to ask about a loan of $205,000 given by Howard Hughes to Nixon's brother Donald when Nixon was Vice President in 1956. Nixon said Brown was sending his henchmen out to spread rumors but was afraid to face him with a direct charge of wrongdoing.

So foul was the atmosphere that it produced at least six lawsuits, three of them dealing with publication of scurrilous anti-Brown and anti-Nixon pamphlets. The two anti-Nixon works may well have been financed with Democratic money. One was called "Questions Nixon won't answer about the Hughes loan," and the other "Want This Kind of Man for Governor?" The second gave details on a house Nixon bought in Washington, DC in 1951 with a "racially restricted" contract—forbidding the sale or lease to Jews or blacks. These were never traced to their source, nor do we know that they involved any kind of fraud. Another intriguing suit that wasn't followed up was filed by Phillip W. F. Moore of Los Angeles, a "publicist." He sued Sanford Weiner, an officer of the 1960 Nixon presidential election team, for failing to live up to a promise. According to Moore, Weiner had promised to pay his $200,000 worth of campaign debts if he would run in the primary against Gov. Brown.

The most important suit was filed by state Democratic vice-chairman Roger Kent and other officials against the "Committee for the Preservation of the Democratic Party," a phony committee. It was the last in a series of attempts to stop the flow of literature painting Gov. Brown as a friend of communism. An earlier injunction had stopped distribution of a red-covered book entitled *California Dynasty of Communism*, written and published by Karl Prussion, who had no apparent ties to the Nixon committee. When Democrats found copies of the book in Nixon's Beverly Hills headquarters, Nixon immediately disassociated himself from it and ordered his offices to cease distributing it. Caspar Weinberger charged that the only recent order for the book had come from Democrats who wanted to embarrass Nixon.

Another pamphlet the Democrats managed to get an injunction against was published by a committee called "Democrats for Nixon" that worked in the same office building as the Nixon for governor committee. The aim of this group was to portray Gov. Brown as a weakling and radical who supported the even more radical ideas of the California Democratic Council (CDC). Brown had not sought or received support from the CDC. But Democrats for Nixon made the case anyway, complete with a photograph of Brown applauding the CDC and saying "I want this organization to flourish and grow." The photos were cropped, it turned out, and the captions fake. Democrats filed their suit against Nixon in this case based on the allegation that Murray Chotiner had boasted to a group of Young Republicans that one million copies were being distributed. Nixon's men brushed off the charge as a smear. But, said Haldeman, "it is significant" that neither the state party chairman nor Gov. Brown denied the statements quoted in the pamphlet.

The Committee for the Preservation of the Democratic Party was a more serious matter. This committee was supposedly made up of disillusioned Democrats who wanted to rescue the party in 1962 from the CDC and Gov. Brown. The official Democratic Party didn't learn about the committee until two weeks before the election, and then by accident. As Roger Kent described it, the printer for the committee "hired a lot of old biddies to do his addressing from precinct lists. One of them got sick and the daughter completed the addressing and called Democratic headquarters to ask what she should do with the Democratic mailing. We had a sharp girl there who said, 'Just bring it on down here.' "

What the Democrats found was an attack linking Gov. Brown to the CDC and the radical left, posing as an opinion poll financed by Democrats. The preface said, "Dear Fellow Democrat: this is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council)." It said the CDC had endorsed such dangerous views as: "Admitting Red China to the United Nations. Allowing subversives to speak on college campuses. Refusal to bar Communists from the Democratic Party." The CDC, it continued, "is directing the Party, is capturing and dominating Democratic candidates. Our present

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Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC convention in Fresno four years ago. Whether willingly or weakly, Governor Brown, who was accepted by the CDC and endorsed by them, has become their captive." It concluded that "As a Democrat," the recipient can work with the committee to "break the power of the CDC" and "take acceptable Republicans—if we can find any."

Before the Democrats discovered what was happening and put a stop to it, the committee had sent out 500,000 postcards to poll registered Democrats and was preparing to send out another 400,000. A news release from the committee on October 20 had already announced that "Nine out of ten registered Democrats flatly reject the 'ultra-liberal' California Democratic Council . . . And an even higher percentage—95 percent—believe that California 'cannot afford to have a Governor who is indebted to the CDC.' "

About two weeks after this poll was stopped, Nixon lost the election, made his famous speech criticizing the press and prepared to leave for New York. All the law suits were dropped except for the one against the postcard committee. Roger Kent and other Democrats pushed the suit to the California Superior Court. Depositions were taken from Haldeman, Weinberger and others, including Mrs. Leone Baxter, whom Haldeman named as the creator of the committee and author of the postcard. According to his testimony Haldeman only supplied the support needed to get the project going. On October 30, 1964 Judge Byron Arnold signed a stipulated judgment affirming all the Democrats' charges.

The judge's opinion, which Republicans did not challenge, said that "A circular to Democrats was drafted which purported to express the concern of genuine Democrats for the welfare of the Democratic Party. . . . This postcard poll was reviewed, amended and finally approved by Mr. Nixon personally. . . . Mr. Nixon and Mr. Haldeman approved the plan and project as described . . . and agreed that the Nixon campaign committee would finance the project."

Not only had Nixon and Haldeman financed the project, but they had provided all the money and the sole reason for the existence of the Committee for the Preservation of the Democratic Party. Haldeman signed checks for $70,000 to the committee for its postcards, and would have paid $94,000 had the job been completed. In the Nixon financial records the expense was listed under "personnel," perhaps an adjustment made by Maurice Stans. (A memo to Stans from Haldeman requesting transfer of funds was mentioned in the case, but not fully explained.) The chairman of the committee, William Marlin, was paid $750 for his services, by whom isn't clear. His task chiefly involved writing letters against the Democratic ticket, issuing press releases and telling the press that his committee was legitimate.

When Haldeman was asked about his part in the affair, he revealed almost nothing the Democrats didn't know already. But his replies are worth quoting for what they say about the man who until last April was Mr. Nixon's most trusted aide.

Q: Did you tell them [the members of the Republican steering committee] that it consisted of a double postcard asking the recipients to state their opinions on some four options?
A: No. It wasn't my practice to give the committee details of this sort regarding any expenditure.
Q: Did you tell them the general theme?
A: No.
Q: Of this project?
A: No, I didn't give them the general theme of any of our television commercials either . . .
Q: Had you prepared any part of this exhibit?
A: Have I prepared it?
Q: Yes.
A: No.
Q: Did you have a draft of it on September 19, 1962?
A: Probably, yes. I had a draft of it prior to its being mailed. . . .
Q: Did you approve the draft as she [Mrs. Baxter] submitted it?
A: I didn't actively approve it. I reviewed it.
Q: Did you make any changes?
A: I think so, yes, minor changes in wording. . . .
Q: Did you review this exhibit, the postcard poll, with Mr. Nixon?
A: No, I don't think so. I think again I posted him on the fact that we were going into this project . . .

When Mrs. Baxter, the supposed author of the postcard, was questioned, the answers came more easily.

Q: Did you give the final approval to the copy for Exhibit 1 [the postcard]?
A: No.
Q: Who did?
A: Mr. Nixon.
Q: Did he give it personally, or in writing, or by telephone, or how?
A: Personally, I think I should say.
Q: Did you go over the proof with him?
A: Yes.
Q: Did you go over several versions of this proof with him?
A: No. I saw only one version, and that's the one we went over. . . .
Q: And in what way did he indicate his approval of it?
A: I certainly can't remember. I expect he said, "Okay."

Was the 1962 game plan illegal? Of course it was. It was illegal to solicit funds in the name of the Democratic Party without party approval, illegal to distribute campaign literature without identifying the sponsor and illegal to pass off a fraud like the Nixon po

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in ads as "the voice of the rank-and-file Democrat."

Roger Kent and the Democratic committee decided not to name Haldeman and Nixon as defendants. Kent explained, "It got down to the point where we had run out of money. It had cost us between $12,000 and $15,000, and I had made several appeals and gone as far as I wanted to go myself—I put in $1000. We knew that if we named Nixon and Haldeman we'd have plenty of evidence to convict them, to get an injunction against them, probably more evidence against them than we had against the other guys, who were just stooges. But if we had done that we'd have been up against the first team in lawyers, and we'd have been in for every motion and delay you can think of, and something like $50,000 before we would go to trial. So we had to make the decision that we would not include them as defendants. We indicated that we might be willing to take Mr. Nixon's deposition. About that time the lawyers for the stooges caved in for the stipulated judgment, which was as rough as it could have been, I think. We figured we got in that stipulated judgment what we wanted, which was the complete implication of Nixon and Haldeman with the design and approval of this fraud."

Writing about the 1962 campaign long before the Watergate and associated frauds were exposed, James Reston said of Nixon: "He mastered the techniques of politics before he mastered the principles, and ironically it was this preoccupation with techniques that both brought him forward and cast him down."

Subpoenaing The President

by Nathan Lewin

From the time John Dean, former counsel to the President, first began making his disclosures it was inevitable that the President's personal susceptibility to the criminal process would become an issue in the Watergate affair. In the topsy-turvy way that has become routine in this singular event in the nation's history, the issue sidled into public view on May 29 with *The Washington Post*'s publication of a report from "reliable government sources" that the team of government attorneys superseded the week before by Special Prosecutor Archibald Cox believed that there was "justification" for calling President Nixon before the federal grand jury but had not done so because "the Constitution appears to preclude calling an incumbent President before a grand jury." Mr. Nixon was reported to have been furious at the report, and Ron Ziegler flatly rejected any suggestion that the President would testify as "constitutionally inappropriate" and as an act that would "do violence to the separation of powers." He also castigated the prosecutors—who were assumed to be the source of the *Post* story—for their "statements" on the ground that grand jury proceedings are secret and that "it is a violation of law to communicate information and allegations relating to the grand jury proceedings in this fashion."

The prosecutors deserve rebuke, but it should have come several days earlier when United States Attorney Harold Titus announced at a press conference that one witness—authoritatively identified, almost contemporaneously, as Jeb Magruder—had agreed to plead guilty and testify for the prosecution at trial. The remarkable spectacle of a federal prosecutor announcing formally that there was to be a plea of guilty to an unspecified offense, by a man not yet charged, who would testify against others, yet to be accused, in a criminal proceeding to be instituted 60 to 90 days after the announcement, flashed across TV screens and headlines without a murmur from the organized bar or from those who usually take an interest in the integrity of our criminal justice system. Nor has any reproach yet been heard to the plea bargain dangled before John Dean in the press—not this time by press conferences, but by reports from "authoritative government sources" that the prosecutors had proposed a deal under which Dean would confess to one count of obstruction of justice in exchange for his full story and testimony. The offer was apparently made through the newspapers, and was rejected publicly by Dean's lawyers because Special Prosecutor Cox, and not the United States attorney, is now calling the shots.

On the question of presidential immunity, on the other hand, Mr. Titus and his three assistants have

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been, if anything, extraordinarily circumspect and hesitant. There has been no formal announcement that the President will be served with a subpoena. Nor has there been any public explanation as to why he will not. All we have are the "reliable government sources" who assert that it has been decided that there is an insurmountable constitutional obstacle.

Constitution aside, there can be no doubt remaining as to the importance of the President's eyewitness testimony. His own public statement of May 23 refers to his personal instructions to Messrs. Haldeman and Ehrlichman regarding the FBI investigation that followed the Watergate events. And Haldeman apparently told the CIA that "it is the President's wish" that one aspect of the Watergate investigation be curtailed. The precise details of those presidential directives are highly relevant in the grand jury's assessment of the guilt of Haldeman, Ehrlichman and Mr. Nixon himself. If the grand jury were investigating a corporation on allegations of criminal misconduct and it came across similar proof of personal involvement by its chief officer, it would have no choice but to subpoena him and ask pointed questions. So the question must be squarely and directly confronted whether the President—as an eyewitness, if not as a possible "target" of the investigation—is immune from the obligation to provide sworn testimony about criminal conduct.

Interestingly enough, the issue was foreshadowed in a Supreme Court opinion issued in June 1972 by Justice Byron White and joined in by all four Nixon appointees—Chief Justice Burger and Justices Blackmun, Powell and Rehnquist. In the decision which rejected the claim of several reporters that the confidentiality of their sources gave them a privilege not to appear before grand juries, the Court—with great flourish—discussed the importance of assigning broad investigatory powers to grand juries. It said that the established principle that "the public has a right to every man's evidence" was a legal proposition "particularly applicable to grand jury proceedings." A prescient footnote then quoted Jeremy Bentham's assertion that even "men of the first rank and consideration . . . whose time is not less valuable to the public than to themselves" must testify if they are eyewitnesses. "Were the Prince of Wales, the Archbishop of Canterbury, and the Lord High Chancellor, to be passing by in the same coach while a chimney-sweeper and a barrow-woman were in dispute about a half-pennyworth of apples," hypothesized Bentham, "and the chimney-sweeper or the barrow-woman were to think proper to call upon them for their evidence, could they refuse it? No, most certainly." To this discussion, Justice White added for himself and the Nixon appointees a citation to the case of Aaron Burr's service of a subpoena upon President Thomas Jefferson for the original of a document implicating him on treason charges, describing the decision of Chief Justice John Marshall as an opinion "that in proper circumstances a subpoena could be issued to the President of the United States."

Whence, then, the proposition that the Constitution "precludes calling an incumbent President before a grand jury?" Without disclosure of the identity of the individual making the legal judgment and any hint of the reasoning on which he based his conclusion, one can only speculate. But it appears to rest on a confusion of several other legal propositions, none of which—either singly or together—justifies the conclusion.

First there is the doctrine that the President is "beyond the reach of judicial direction in the exercise of any of his powers, whether constitutional or statutory, political or otherwise." That principle—quoted here from the official "Analysis and Interpretation of the Constitution" published by the Legislative Reference Service of the Library of Congress—grows out of an 1867 decision of the Supreme Court in which the State of Mississippi tried to prevent President Andrew Johnson from carrying out the Reconstruction Act. The Court said that it had "no jurisdiction of a bill to enjoin the President *in the performance of his official duties.*" Over the past century, the decision in *Mississippi v. Johnson* has been read and applied by courts as forbidding judicial interference with executive *discretion;* it has never been used to give the President a personal immunity from civil or criminal process. In fact, in arguing before the Supreme Court that President Johnson could not be a defendant, then Attorney General Stanbery specifically disclaimed reliance "upon any particular immunity that the individual has who happens to be President; upon any idea that he cannot do wrong; upon any idea that there is any particular sanctity belonging to him as an individual, as is the case with one who has royal blood in his veins."

A second related legal proposition has to do with the public inconvenience and burden of a personal appearance by the nation's Chief Executive at a court proceeding. Courts have traditionally relieved high government officials of the requirement of personal appearance when they are sought not because they have personal knowledge, but only because they have ultimate responsibility for official action. A federal court in Pennsylvania which recently considered a challenge to the constitutionality of the war in Southeast Asia dismissed President Nixon as a defendant on this ground. Since the secretary of Defense was also named as a party and the plaintiffs would have their full remedy, if they won, by an order against the secretary, the court decided there was no reason "to disturb the President in the performance of his duties."

Lawsuits testing the legality of action by the executive branch are, for this reason, usually brought against the Cabinet officer and lower-ranking officials. But the reason for the presidential exemption clearly evaporates if what is needed is the President's eye-

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witness testimony or if what is challenged is an action that he personally initiated or commanded. To take an extreme hypothetical example—not far from Jeremy Bentham's chimney-sweep—could the President refuse to testify if a murder were committed in the Oval Office in his presence during a meeting attended only by himself, the victim and the alleged killer? The disruption of the presidential schedule would surely have to yield in the interest of justice—although the court would have to arrange its proceedings for minimum interference with matters of state. Why is the presidential privilege any greater when the offense is not homicide, but obstruction of justice?

One suspects that at bottom, the presidential reluctance to appear before the grand jury and the claim that separation of powers would be violated rests not on the concern over the President's testimony, but on the possibility that by agreeing to testify, the President may be accepting the authority of the grand jury to indict him along with Messrs. Haldeman, Ehrlichman, Dean *et al.* The prospect of a President in the dock as a criminal defendant is frightening, to be sure, and there are substantial reasons of policy to hesitate before returning such a formal charge. Here too, however, it is hard to see on what basis a claim of constitutional immunity can be made.

It has been suggested that impeachment is the exclusive initial procedure by which a President may be brought to task for "high crimes and misdemeanors." But nothing in the language of the Constitution, in the history of its impeachment clause, or in the recent application of that clause by President Nixon's Department of Justice supports that view.

The Constitution discusses impeachment in describing the functions of the Senate, and it specifies that "judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States." It goes on to say that "the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law." Only if the second provision is read as limiting the usual criminal process to an official who has previously been convicted in impeachment can it be maintained that a President, or any other impeachable official, cannot be criminally prosecuted until after he is removed from office. By indicting and obtaining a criminal conviction against Federal Court of Appeals Judge Otto Kerner without a prior impeachment, the Nixon Department of Justice has demonstrated its view that impeachable federal officials *in office* are subject to criminal prosecution. The fact that Kerner's allegedly criminal conduct occurred before he became a federal judge might be a defense to impeachment, although the question is far from clear.) The same might be said of the successful prosecution of Congressman John Dowdy, although here too there is some doubt whether federal legislators are civil officers subject to impeachment.

Harvard professor Raoul Berger's recently published study of impeachment indicates that it was initially conceived in England as a way of disciplining public officials for conduct that was "beyond the reach of ordinary criminal redress." In this light it is most unlikely that the draftsmen of the Constitution would have viewed it as supplanting indictment by a grand jury, along with subsequent trial and punishment. More realistically, the second provision of the impeachment clause was inserted to see to it that an impeached official would not escape criminal punishment simply because he has been removed from office.

There is, in short, nothing in the Constitution that either says or implies that the President cannot be charged with crime according to the usual process of law—whether that crime be a traffic offense (which, according to some accounts, Lyndon Johnson may often have risked) or obstruction of justice. What would happen if he were charged with a serious offense—whether Section Three of the 25th Amendment, which covers temporary presidential disability, would be called into play until the criminal proceeding is terminated—is a matter for speculation. But there is surely no clear-cut or automatic immunity.

As for the service of a grand jury subpoena, it is hard to understand why the superseded federal prosecutors have assigned to themselves the final decision on its constitutional validity. If there is, indeed, a valid constitutional separation-of-powers claim to be made by the President in response to such a subpoena, the courts sit to resolve such disputes. In the ordinary case, grand jury subpoenas are served, and those who have legal objections to an appearance pursuant to subpoena ask the courts to "quash" the subpoena. The battlefield is then the courtroom, not the daily newspapers.

In the case of Aaron Burr, Chief Justice Marshall expounded at length on the difference between the King of England—who could do no wrong and whose appearance pursuant to a subpoena might "be incompatible with his dignity"—and the President of the United States, who "is elected from the mass of the people, and, on the expiration of time for which he is elected, returns to the mass of the people again." He did not simply accept the concession of President Jefferson's lawyers that a subpoena calling for eyewitness testimony could be served on the President; he went on to explain why—subject to scheduling arrangements for important affairs of state—the President was not exempt from service of process. In terms that are applicable 165 years later he concluded "that to issue a subpoena to a person filling the exalted position of the chief magistrate is a duty which would be dispensed with no more cheerfully than it would be performed; but, if it be a duty, the court can have no choice in the case."

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Stanley Kauffmann on films

Hitler: The Last Ten Days
(Paramount)

A Touch of Class
(Avco Embassy)

Paper Moon
(Paramount)

Why don't dramatists leave Hitler alone? There's a joke about him that his posthumous triumph is the Volkswagen (reported to be his personal design). But another posthumous triumph is the way he keeps seducing and snaring writers. Those last days in the Berlin bunker are the chief bait—the twilight of a god; but it never comes off that way. Some years ago American TV tried it and fizzled. In 1954 that master director G. W. Pabst made a film about it in Austria, called *Ten Days to Die*. (In German it was called *The Last Act*, which at least makes the attraction clearer.) I remember some well-made sequences in the Pabst film, but I also remember being left with a question.

Now that I've seen a badly made film on the same subject, the same question remains: What can hold and move us in a drama whose protagonist is atrociously repellent? It's too soon for Hitler to be used as a sympathetic figure; it took about a century before Napoleon's former enemies began to write glory plays about him. So at present Hitler gives us two dramatic options of evil. First, he might be made a furious madman, like a crazy doctor in a horror film; but that's impossible because he was indisputably a political genius, if not a military one, and he managed to disturb a few lives; so he can't be played à la Vincent Price. Second, he might be made a hero of evil, like Camus' Caligula. But Hitler was too single-minded to entertain philosophical questions, too sincere (in Lionel Trilling's sense) to commit evil acts as conscious moral probes. (Brecht's approach, in *The Resistible Rise of Arturo Ui*, is not dramatic at all, it is narrative, a satirical cautionary tale, thus a quite different case.)

What's left? Recital. The facts of those last days in the bunker. But this doesn't answer the question I raised. The more accurate the film is, the more distant and unaffecting it becomes. (The facts in this new picture are certified by H. R. Trevor-Roper and a German officer who was present.) The story is known, the fidelity prevents any imaginative treatment or comment, the factual drama of the life is over, and all we watch are the increasingly insane spasms of a trapped and dying vicious animal.

So instead of any kind of black-tragic fall, the film just gets nuttier and nuttier, more and more a matter of surfaces without resonance. Alec Guinness, the Hitler, tries hard to suggest the mentally and physically maimed survivor of a spectacular career, but with only flickers of success. Simon Ward, who was the young Churchill in that recent film epic, is a faithful young officer here and again shows a pleasant screen presence. The most authentic performance is by Diane Cilento, as a pilot who flies her general-lover from Munich to see Hitler. Cilento sparks some feeling of what it really meant to be a Nazi.

But why did Ennio de Concini, the director, and his associates make this picture? How did they think they could deal with that basic question above? What was their *hope* of success?

Two new comedies are related to the past, in different ways. *A Touch of Class*, the better one, is set in the present, but it was written by two men who go pretty far back in pictures, Melvin Frank (who also directed) and Jack Rose, both of them around 60. Each used to work with a different partner: Frank with Norman Panama, Rose with Melville Shavelson; both know their trade very well. That trade comes out of radio sketch-writing, down through the early (and funny) Bob Hope pictures, Danny Kaye pictures, and so on. Their field is not the easy, unstrenuous hip humor of something like *Slither*. Frank and Rose are cause-and-effect men; unforeseen-complications men; running-gag men; architects of the pyramid build-up to the pay-off. All these things can be dull routine in dull hands. Frank and Rose have not been unfailing masters in the past, but here they are almost entirely on the beam. They know how to write funny, and Frank knows how to direct lean. No flab, no fat. When the heroine describes an ugly view out of a Spanish hotel window, Frank doesn't flash an insert of the view, he stays with her and her description, which makes it funnier.

The basic plot idea has some relation to *The Facts of Life* (1960), of which Frank was co-author and which was probably Bob Hope's best picture (with Lucille Ball). It was about a husband and wife—but not each other's—who go away for an affair and, for various reasons, including moral inhibition, don't consummate it. Thirteen years later Frank and Rose have their lovers consummate their affair, like crazy, but

(continued on page 33)

Films Worth Seeing

Cabaret. Slick musical, remotely connected with Isherwood's *Berlin Stories*. Michael York better than Liza Minnelli, which is one of the things wrong with the film. But Bob Fosse directs smartly.

The Discreet Charm of the Bourgeoisie. Luis Buñuel, seventy-something and something to marvel at, plays slyly with middle-class corruption.

The Emigrants. Jan Troell photographed and directed, Max von Sydow and Liv Ullmann perform, one of the best chronicle films—about 19th-century Swedes coming to the US.

Last Tango in Paris. A lot of it is adolescently stark and sententious, but the early Brando-Schneider sex scenes are powerful.

Memories of Underdevelopment. Fascinating, sensitive Cuban film about a bourgeois intellectual in the first days of the Castro revolution.

Payday. The last 36 hours in the life of a country-music star, played pungently by Rip Torn. Pleasantly different from some recent pretentiousness, it's more serious than it seems.

State of Siege. Fictional re-creation of the Tupamaro abduction and murder of an American official in Uruguay, 1970. Questionably objective, but generally gripping.

SK

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Sedulus on TV

Watergate *vs.* The Soaps

If it is possible to be inadvertently wise, Bernard Barker may have been the wisest of those to testify up to the point of the 10-day break in the Watergate hearings that began May 24. Only six significant witnesses testified up to then according to my count—the clean-cut and knowledgeable Robert Odle, the dour eyebrow-lifter James McCord, cauliflower-nosed John Caulfield, slicky Gerald Alch, good-tempered Alfred Baldwin, and Barker—so we can expect Barker to have a lot more competition in wisdom from heavyweights to come. But the point to be made about Barker is that he is not a heavyweight, and the wisdom he brings us is lightweight wisdom. He is a follower of orders. Indeed various committee interrogators tried to make him out to be a blind follower of orders. It is he who defended his professed ignorance of higher-ups beyond E. Howard Hunt by citing piously and repeatedly the need-to-know gospel of the intelligence world. And it is he who may therefore be bringing—as I say, inadvertently—the significant message *wanted* by large numbers of the American people from the hearings. The message? We don't need to know any more about this.

To want to be ignorant is from all reports a healthy desire for a spook, since what he knows is what somebody may be able to get out of him. Whether this desire—as well as the consequent ignorance itself—actually pervaded the ranks of the Committee for the Re-election of the President is one of the discoveries hopefully to be made by the hearings; that is, the hearings are there to determine just where the dividing line was, if there was a dividing line, between ignorance and knowledge at the White House. But it is becoming apparent that simple *non*professional ignorance is regarded also as a nifty desideratum by thousands and thousands of Americans being subjected, because the coverage is so complete, to the hearings. There is a great big bag of humanity out there that would rather watch the daily soap operas than the Watergate, partly because the soaps have prettier characters, and partly because these watchers are determined to believe that for committees and broadcasting companies and newspapers to perform such revelatory chores is to hurt the President and *therefore* evil.

We should not take too seriously the depressing data about persons calling the broadcasting companies. Up to May 29 the calls ran around ten-to-one against the hearings (except at the switchboards of public TV stations), but the angry are known to call before the pleased. Also, the regular audience for the daily soaps is, though big, a special one and therefore dangerous to take samplings from. Also, who knows but that there may still be a secret agency routinely making phone calls to bolix up statistics. Still, the preliminary ratings in New York City show an audience drop-off of 30 percent for all stations carrying the hearings, with something similar in San Francisco. The final national ratings are not available as I write this, but surely Peoria will not be *more* interested than NYC?—a network friend advises me I may be wrong here, but agrees that the drop-off has probably been national, and also that it probably will get worse as the hearings proceed. How much do we need, how much do we *want* to know?—my guess is that in a few weeks we will discover that the President's popularity is rising again, and that a majority of "us" do not want to know nearly as much as the reporters and investigators of this great shindig are depending on.

Wiseman Barker reinforced his plea for ignorance when asked if he thought he had been working for the CIA. He replied (this was, as I recall, specifically in connection with his involvement in the Ellsberg proceedings rather than Watergate itself) that what he did know was that the doings were a matter of National Security, and that "National Security was above the FBI and CIA." I put "National Security" in caps because he did make it sound like an organization—another instance of his inadvertent wisdom. The point is that if there is a case of National Security (perhaps I should say a case *for* National Security), then you do not need, you do not want to know any more; you go ahead with your bugging or your soap operas, and believe piously in the higher-ups' motives and wisdom, since not to believe would be disloyal, or perhaps merely upsetting.

Our President's hope, I regret to report, lies here, and surely it is a hope that he will not let remain merely a hope. He will play up to the ignorance-is-loyalty crowd skillfully, and they will respond affirmatively by increasing the decibels of their hatred of journalists and investigators.

Of course I am prophesying beyond my depth. If the President, who surely *did* need to know, is clearly revealed to have in fact known, then the case will take on yet another dimension. But of what does a *clear* revelation consist?—my guess is that nothing except a simple confession by the President would be clear to determined know-nothings, and even that might not do if the confession were mixed in gooily enough with National Security.

A related point. The old McCarthy hearings, and in some measure also the Kefauver hearings, had a star. Kefauver was a lesser star than McCarthy but he was a strong white-hat figure among the hoi polloi as he battled Crime. McCarthy with his sidekick Roy Cohn was a positive villain for millions—and a hero for other millions—but, black or white, he was *there*, on camera, with his aggressive Americanism throughout, giving the drama focus, simplifying the complex subject that the hearings purported to be about, simply by being stagily on screen. For better or worse Senator Ervin does not look, at this point, to be a star—and there is no other. The fact is that this drama is dramatically messy from the start because the real star *is* the President, and he's off stage.

You can't run a drama that way, as all the watchers of the soaps know. Not only does Watergate have too many minor characters, providing interminable digressions into self-serving and ultimately insignificant detail, but it lacks the *visible* center the earlier hearings had, someone to pull the thing together on the screen itself. The omission is entirely to the President's advantage since, not only is the drama so involved that it drives watchers away, but it is a drama that may fail in its revelatory function simply because the primary revelations, no matter how extraordinary they may be, will presumably remain as hearsay revelations both legally and literally, and therefore not believable by the ignorance-is-loyalty crowd.

Yet one more point about that crowd. It not only does not want to know about the President's more-than-likely involvement, but it does not want to know who sent *him* signals, and where

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the original motivation for the skulduggery may be located. Even the investigators, with a few significant exceptions, are sluggish here, keeping their eyes straight front on the White House staff and on persons connected with the CRP. But Governor Marvin Mandel of Maryland, my hero for the week, has pointed most eloquently to the fallacy in such concentration, blaming the scandal (according to a story in *The Washington Post* on Memorial Day) "on nonpoliticians from the corporate world . . . trying to take control of the country." His words are lurid but sound:

> The arrogant private army of corrupters had its origins in the hyphenated law firms of Wall Street, the advertising agencies of Madison Avenue and Disneyland, and the board rooms of the most powerful industrial giants of America.

And further:

> The ethic of government for a few terrible months had become the ethic of the board room—of industrial espionage—of snooping and spying, of bribery and stealing, of pilfering the competition's secrets, of packaging the presidency, of picking its morals off a drive-in movie marquee . . . Would a McCord or Liddy or a Hunt exist without the conspirators who conceived such devious schemes? Would a Mitchell have been indicted if there were no Vesco? And would Stans be walking the plank without the army of favor-seekers who fattened his numerous vaults?

It is the connections of Watergate to the American world beyond Washington, more than those to the President, that the ignorance-is-loyalty crowd chiefly fears to make—and presumably will not make until our financial heavens fall. But now my crystal ball goes dark.

Listening to Women

Women and the "Equal Rights Amendment"

edited by Catharine R. Stimpson

(Bowker; $12.95)

Discrimination Against Women

edited by Catharine R. Stimpson

(Bowker; $13.50)

In the first week of May 1970, Senators Birch Bayh, Marlow Cook and Hiram Fong listened to testimony against, and in support of, the proposed Equal Rights Amendment to the Constitution. A month later, before the House special subcommittee on education chaired by Congresswoman Edith Green, there were hearings on Section 805, which would amend the 1964 Civil Rights Act "to prohibit discrimination on the basis of sex in federally financed programs and would remove the exemption presently existing in Title VII with respect to those in education."

Two fascinating volumes are now available, published by Bowker in conjunction with the Congressional Information Service, and capably edited by Dr. Catharine R. Stimpson of Barnard College. They contain all the documents pertinent to the two hearings, and most of the testimony before them. To read them is to uncover a saga as interesting as the Forsytes', one possessing, in addition, humor, charm, surprise and a display of senatorial (Bayh) and representative (Green) vigor, force and honesty which is unaccustomed, refreshing and heartening. The amendment debate resulted, of course, in passage, and the amendment is now very dubiously, it would appear, awaiting ratification by the states. And two years after the congressional hearings, the Senate and House having reconciled their views on Section 805, President Nixon, in June 1972, signed a Higher Education Act into law, containing the anti-discriminatory measures sought by Edith Green, with some exceptions: admissions to private undergraduate schools, training schools for US military men, and undergraduate public institutions if they traditionally admitted only members of one sex.

If the concerns of these two volumes are somewhat advanced from the point at which they were adjourned three years ago, making one marvel at the publisher's optimism at issuing them at some cost ($12.95 and $13.50), they are still well worth their price. They record the year in which the *principles* of legal and economic equality were established. To these hearings came all the apostles of full opportunity and affirmative action, as well as all the disciples of restraint and opposition, those who, for profit or personal or religious reasons, saw genuine danger to the family, to the unions, to the woman, to the state, if women were to be granted full freedom.

The more interesting volume is the one containing the Senate subcommittee hearings on the Equal Rights Amendment. To no one's surprise we hear Congresswoman Martha Griffiths and others testify that the amendment has been introduced into every Congress since 1923 when the National Women's Party formulated it. Twenty times in 43 years it has been proposed passed twice by the Senate, and never by the House. The more-than-200 pages of testimony contain everything that has been said for and against in addition to a strong tone of acrimony, fury and impatience that might have been expected.

Rep. Shirley Chisholm recounted the two commonest arguments against the amendment: that women are already protected under the law (*i.e.*, the Civil Rights Act of 1964) and therefore do not need further legislation which, presumably, might interfere with already established legislation; and that it would eliminate legislation the federal government and many states have already enacted giving special protection to women (hours they may work, loads they may lift, etc.), and that it would throw marriage and divorce laws into chaos.

It is perhaps this last point that wa

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most often stressed by groups like the National Council of Jewish Women and the National Council of Catholic Women. The first group opposed the amendment strongly, pointing to the 14th Amendment as a further guarantee of women's freedom, and to the due-process clause of the 5th Amendment. In a solid attack, it brought up the weighty guns of Harvard Law Professor Paul Freund:

> The basic fallacy in the proposed Amendment is that it attempts to deal with complicated and highly concrete problems arising out of diversity of human relationships in terms of a single and simple abstraction. The abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept . . . That the proposed ERA would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

Catholics, on the other hand, based their objections on more sweeping concerns, such as the one that "the nature of woman individuates her from man in God's plan for His creation." They warned that under the guise of equality ERA would "wipe out many legal safeguards which protect woman's position in the family . . . the basic responsibility of man to provide for his family would be placed in jeopardy." They felt that the ERA suggested an idea of women foreign to the Christian concept of woman's co-equal, but individual, dignity with man," but they failed to explain why this was so, or why the fact of individuation should make equal rights a difficulty.

The most vocal single protestor was Mortimer Furay, representing the Detroit Metropolitan AFL-CIO Council: The amendment will repeal the thousands of laws, rules, regulations, directives, opinions which now protect women from insidious and destructive working conditions visited upon them largely because of their biological composition and background." He worried, he said, about "the effect of being a woman and a worker . . . it must be manifestly clear that women are different from men—*vive la difference*—that they are subject to inequality as a result of their sex, and it is cruel and unjustified. You must not add to it by repealing enacted law . . . but rather by designing equality of treatment with justice of goal."

Senator Cook questioned and then responded to Mr. Furay: To quote the testimony is to savor some of the tone of his responses:

> *Senator Cook.* It appears that you are trying to justify your position by saying that a person who happens to be different is not entitled to have complete and absolute equal rights in this Nation. I will present your position to my three daughters when I go home tonight and I know they will reject it, as they should. For instance, I think it is wrong for the young lady from Harvard to maintain an "A" aver-

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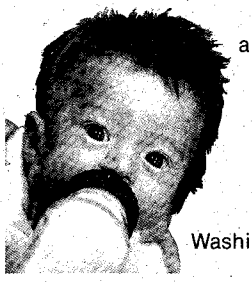

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age during law school and subsequently earn $6,000 a year while a male student may maintain a "B" average and later receive $11,000 a year. To extend this to the labor field, I could visualize men and women doing the same amount of work but due to existing legislation the two sexes are placed in separate categories with the result that women receive less salary. Such a situation could result under Nevada's "ten-pound" law.

Mr. Furay. But the passage of this law would not guarantee it.

Senator Cook. It would not guarantee it at all, Mr. Furay. It will only guarantee it if the executive, legislative and judicial branches of our Federal Government, State, city and county governments, combined with civic, religious, fraternal, political, community and labor organizations, get together and see to it that the long neglected inequality between the sexes is ended. The bad feature about your saying that all these governments and groups are needed to insure equality between the sexes is that all of these bodies are controlled by men. You are saying that all of these men need to get together and realize that women are equal to men. It should have been said a long time ago. [Applause.]

Mr. Furay. I will say it.

Senator Cook. I am really not preaching to you. I am just saying that I think you tried to prove your point with nuts and bolts. And I think where it fails is that the proof of the point that is being made in these hearings is an establishment of mentality, not nuts and bolts and chairs. It is a matter of accomplishment. I think it is a matter of where everyone stands and this is the difference.

Mr. Furay. If I may in conclusion paraphrase what I have said before to answer you, Senator, I came here to see to it that current legislation on the statute books of the various States that are kept there to protect people—you may call it nuts and bolts—

Senator Cook. I believe that most of the existing legislation on the topic can remain because it is within the police power of any given State to solve a particular situation. For example, under your union contracts you treat workers differently according to age, whether that age be 17 or 30. Various States differ on voting-age requirements, my own State extending the vote to 18-year-olds. The point I am trying to make to you is that this equation is unsolvable to me. We say that 18-year-olds in our State are responsible citizens and are entitled to vote, yet in your State you say they are not entitled to vote. That is the same thing as saying that a woman is not entitled to do something, and therefore legislation exists to forbid her from doing it.

Some moments of pure joy are in the testimony. Three women arrived early on the first day who identified themselves as "Sarah Grimké, Angelina Grimké, and Emma Goldman," all of the Washington Women's Group. Theirs were the only radical statements heard; they addressed themselves, not to the listening senators but to "the people." They moved the hearings into waters more troubled and deeper than matters of legality and morality. They spoke

When the revolution really

comes it will come
in the dead of winter, while
you're walking
down Clark Street
to the Cosmopolitan State Bank.
The wind will
knock an old man
butt over teakettle, his
cane and shopping bag
go sprawling. You
stop and help him up.
You take his arm.
He will prefer
to carry the shopping bag
himself. You
will walk with him
three blocks to his apartment house. He
will fumble with his keys. He
will mumble that
he can make it now. It
will not occur to him
to thank you.
Then you will go home rather
than to the bank, because
you should conduct only so much business
in a single day.
Or maybe it will come
in a bus in the Loop
in August
a steaming August afternoon, and
an old lady, really old
with a cane
and a shopping bag, mumbling
to herself like
old ladies do, an
old lady will announce
like old ladies do that
she wants off at Randolph, and

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angrily about "taking their freedom," no longer, after 50 years, asking for it. Their declarations represent extreme extensions of the terms of the amendment, the sense that many women share with extreme conservatives: only a total transformation of society "which you cannot legislate, you cannot co-opt, you cannot control," will effect real changes in the status of women:

> They offer women equal jobs with equal pay . . . but we know that this is only an equal right to be exploited in a market economy based on profit and not on human needs, that even women who work in a home will not be paid for the work that they do.
>
> They offer us equal access to higher education, but we know . . . that this is an equal opportunity to be shot and slaughtered on the campus.
>
> The amendment will place equal responsibility on men and women for alimony, divorce, and child custody. But it does not deal with the reasons for failed marriages: the nuclear family which cannot meet human emotional needs.
>
> [It] will give us equal social security benefits, but what use are [they] in a country where all the necessities of life—food, clothes, housing—cost money, and inflation is wildly out of control.
>
> They offer us an equal chance to kill and die for U. S. imperialism. We oppose the draft for both men and women . . .
>
> Finally, they offer us equal representation on juries and equal penalties within a totally corrupt and repressive judicial system . . . Constitutional amendments will not make any difference to these things, only revolutionary change can meet the demands that women are making today.

But this was the extent of extremity. The rest of the Senate hearings, and the entire House proceedings, were tamer. Yet the House proceedings should be read for what Catharine Stimpson points out is one of their major virtues, the admirable conduct of Congresswoman Edith Green:

> She is tireless, vigorous, and shrewd. She refuses to let witnesses slide away with inadequate, if deferential, replies. Again and again she asks government officials —from the Civil Service Commission, the Civil Rights Commission, the Equal Employment Opportunity Commission, the Department of Justice, and the Department of Labor—what they are doing to see that women have equal rights in their own offices as well as in the nation at large . . . While her toughmindedness gives the hearings much of their pith, so her moral reminders and her ambitions for Section 805 give the hearings much of their dignity.

I suspect these two volumes will stand (even with their rather frequent lapses in proofreading) as models for the valuable preservation of source documents, evidence, testimony. We are in debt to their scholarly editor, the reprint house of Bowker, but even more to the senators and congressmen whose intelligent listening and responses are recorded, as well as to those who appeared as protagonists and antagonists.

Doris Grumbach

she'll get up creaky
and slow, very slow, and
she'll take a long long time
getting off:
put the cane on the first step
take careful hold
of the rail, put
her right foot on
the first step, slowly
twisting her
ponderous old body, then
the other foot on the step, the
cane, then,
on the second step
shift her grip
right foot, body turning, left foot,
and the same thing
all over again
to the ground.
And the bus driver waits
very patiently and
we all sit very
patiently and
we will say, and
we will mean it, that
there's an old lady
getting off the bus, she
goes very slowly
because she's old
and it's hot and
she's tired and
anyway she's not in a hurry.
Neither are we. We're
just sitting here
and it's all right. That's
the way old ladies do.
Then you'll know
the revolution
has really happened.

PETER MICHELSON

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Wicker's Washington

Facing the Lions

by Tom Wicker

(Viking; $7.95)

Journalist Tom Wicker is reported to have declared *Democracy* by Henry Adams the only good novel about Washington. The report is from fellow journalist Joseph Kraft, in a blurb for Wicker's own new Washington novel. Kraft goes on to say that now there are two good Washington novels—a friendly compliment among friends.

The Wicker novel is a serious, solid work but not, I think, in the same league as the Adams novel. Both, however, seize on the corrupting effect of high political ambition as their theme and are therefore timely in this year of Watergate. Also Wicker seems to have taken some of his cues about plot and character from Adams, making it useful to look at the two works together.

In *Democracy* the chief political figure, Senator Silas Ratcliffe, is a powerful party hack, learned in political intrigue, who nearly makes it to the presidency but is beaten out by a dark horse bumpkin from Indiana who then turns in need to his enemy Ratcliffe and takes him on as a member of his Cabinet. In other words both the President and Ratcliffe "make do" in the usual Washington way and we are left at the end with an image of Ratcliffe as still a leading Washington power and possible future President. All that he has lost irremediably in the course of the novel is the hand of the novel's heroine, a rich New York widow who had come, not without a certain dilettantishness, to Washington "to see with her own eyes the action of primary forces; to touch with her own hand the machinery of society." She had set up shop right on Lafayette Square where everybody of consequence walked by after work; she had become intimate with Ratcliffe and pleased that he seemed, despite his political savvy, to be neither a boor nor a moral incompetent. She turns against him though, when certain of his undercover activities are revealed: he has stuffed ballot boxes in Illinois on a big scale ("I am not proud of the transaction, but I would do it again, and worse than that, if I thought it would save this country from disunion"), and has taken a bribe from a private corporation to refill the depleted party bank account.

Is he or the widow in the right? Adams' own aristocratic sensibilities are closer to the widow's than to Ratcliffe's, and the moral stench of Washington, which we also see Adams sniffing with anger and sorrow in *The Education of Henry Adams*, is offensive to him in just the way it is to the widow, and puts them both finally on the side of principle as against politics. On the other hand Adams does separate himself from her to the extent of portraying her as a snob and as a person with political ambitions of her own. Thus when she, upon being pressed by Ratcliffe for an opinion about his proper course of action, says, "Do whatever is most for the public good," Ratcliffe is unsatisfied with her advice and asks, "And what *is* most for the public good?" The question puts her on the spot and is clearly one that Adams thinks she at that moment deserves, yet Adams also would have been hard put to answer it. He is critical of the widow, but equally flummoxed by the Washington power scene. Do the following questions by Madeleine not sound like Adams himself?

> Madeleine half opened her mouth to reply, then hesitated, and stared silently into the fire before her. What was indeed most for the public good? Where did the public good enter at all into this maze of personal intrigue, this wilderness of stunted natures where no straight road was to be found, but only the tortuous and aimless tracks of beasts and things that crawl? Where was she to look for a principle to guide, an ideal to set up and to point at?

These are the remarks of a moral blue stocking who is missing something vital about the nature of Washington and America, something that Ratcliffe in his impressively open way has always understood. Ratcliffe goes on to assert that he is quite willing to make a personal sacrifice but does not *find* a moral principle to guide him; and he then complains of her that she does not help him, she merely looks on and condemns: " 'When I come to you on the verge of what may be the fatal plunge of my life, and ask you only for some clue to the moral principle that ought to guide me you look on and say that virtue is its own reward.' "

True enough. And at that point she can only reply, " 'I confess my sins . . . Life is more complicated than I thought.' " Thereafter for many pages she is almost decided to join forces with him, but draws back at the last minute and retires again into her moral igloo. She is right in her way, and Adams is at least partly with her in her rightness; but as the novel is not a moral tract but an exercise in the working out of a ceaseless conflict in our society, Adams does not want a final clear resolution, nor does he give it to us.

And Wicker? He too, following the Adams lead, would like it understood that achieving moral superiority in Washington is hardly the point of the Washington game; and he gives us at great length the details of tacky alliances between public servants and private interests that have always undermined the integrity of our politics. His particular focus is upon the plight of migrant workers in the South and the systematic exploitation by planters and public officials in collusion; but where Adams had at the center of his novel action a venal politician who *lived* with collusion, Wicker provides us instead with an upright type, a loner senator named Hunt Anderson, who is probably modeled after Estes Kefauver in his TV hearing days, when he seemed to have presidential timber. Anderson resembles also Gene McCarthy since he does not play along with the party, sets up shop as a principled man, and runs unsuccessfully for the presidential nomination at his party's convention (also like McCarthy losing heart following his political defeat). Whoever the model, it is Anderson's fate in the novel to be, the end revealed, though ambiguously, as having had his price like the regular party hacks.

The equivalent of Adams' widow the journalist of the Wicker novel, someone like Wicker himself and who works for something like *The New York Times*. But just as the Wicker politician moves in a different moral dimension from Adams' Ratcliffe, so the Wicker journalist is wholly unlike the widow—and the latter difference is the big difference be-

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tween the novels. It is the difference between the authors themselves, between journalist and old-time brahmin, between one who has been led perhaps not so much by conviction as by conditioning to become, though an investigator of the "primary forces," also in some measure an element of those forces, and one for whom Washington was always finally an alien wilderness. The difference is one to ponder long on, in the light of recent history.

With Watergate the journalistic profession has probably reached high tide in influence and prestige. Pundits like Reston and Kraft assume the role of instant daily wise men, while their helpers the investigative reporters prowl through Washington's parlors with an assurance of the justice of their snooping that Adams would have found inolerably arrogant; yet these investigators have produced the extraordinary revelations that are now with us, and also, curiously, have raised Washington journalism to a moral position superficially equivalent to that of Adams' widow, who felt she was *bringing* morality to the capital.

Is it not fair to say that Washington journalists do now think of their profession as in its good moments providing government with the conscience it otherwise lacks? Surely the journalists would for example agree with Wicker's hero that if there is an "ultimate trap" in the journalistic calling it is in being brought down to the government's level by allowing one's self to be told what they—*i.e.*, the politicos—want journalists to know, rather than keeping clear of entanglements, getting data at first hand, maintaining moral as well as informational independence. In this sense, then, the widow and the newly moral journalists are one. But the oneness is fleeting. The journalists do not have the independence they postulate. What reading these two novels together shows, by contrast, is that the Wicker kind of journalist is ultimately part of the scene he investigates, as the widow and Adams were not. He too is a power broker and though we can pray that he will be able to keep himself free of entanglements, he happens to be as human as the politician, and subject to much the same pressures as the politician. If the Wicker novel tells us anything it tells us of the intimacy existing between these seemingly antagonistic powers, newsman and politico. That intimacy is what the widow, and Adams, never came to feel.

Wicker's reporter—by name Richmond Morgan—is constantly worried about being put "in someone's pocket." He wants to be "neither in nor out" and "not tied up too tight to breathe by some statesman he thought he could trust." But in the terms of Adams he is, before the story even begins, already tied up too tight to breathe, not by any statesman but by the demands of his profession. The independence he aspires to is not available to him because he *is* too close in, and has therefore none of the perspective upon Washington that the widow in her moral isolation achieves. The widow may be a snob (in describing the bumpkin President she declares that "an equally good President and President's wife could be picked up in any corner-grocery between the Lakes and Ohio"), but she is no fool, and her moral and social prudery gives her the distance that Wicker's journalist, by the nature of his job, lacks.

The result is, I think, that Wicker's novel does not finally ever quite get to the big issues Adams originally posed. Though sometimes gripping, the novel nearly drowns in its own trivia; it has long stretches of just making it through the journalist's day—on planes, in offices and motels—and provides the reader with no vision of an alternative to the trivia. In the commitment to the trivia, and in the blindness to alternatives, we thus see the journalist's as well as the politico's modern version of the "ultimate trap." That trap is one that we are perhaps all now in as a nation, being led as we are by journalists.

The trap, it is important to note, is not Wicker's doing. He is *in* the trap, and he is in it 90 years after the Adams novel was published—in it, that is, when the de Toqueville leveling effect in American society has proceeded so far as practically to eliminate from daily affairs Adams' kind of sensibility, and to reduce therefore to a point beneath visibility the cultural and class clashes that Adams portrayed. In those the politicos and the journalists emerged as the same breed of uncultured pragmatic cat, and Adams' hope for the future was in neither of them, but in another possible American destiny sitting wholly outside the politico-journalist destiny, one that Adams was losing faith in but had not given up *as* possibility. At least he and the widow spent a lot of time wishing the alternative were available, whereas for Wicker the days for such wishing are past.

Wicker's journalist is not a snob. He is a tough guy in the *Front Page* tradition,

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beds down with airline stewardesses, trades obscenities evenhandedly with the politicos and does not like to be caught taking a high moral line or even being arty or polite. He is if anything more the worldly cynical pragmatist than the loner Senator Anderson and takes his cues from an old-time political sage who, after Anderson's funeral, says of him, "[Anderson] always looked to me to take things too seriously. What I think is, a man ought to do the best he can and not believe in too much"—the sentiments of a Ratcliffe, not of someone who in the normal course of the old Adams morality would think to set himself up as the nation's conscience.

And yet there the new Wicker journalist is, setting himself up as the nation's conscience, and thereby standing the Adams novel on its head. I would guess that he does so out of the conviction that the Adams alternative has vanished; and if this is the case this ambitious new novel can be seen as a sort of latter-day answer to Adams and to the question he posed: "What *is* most for the public good?" Ninety years later the Wicker reply comes back, "Solve Washington's problems on its own daily terms; we're all in this together."

Ninety years ago the widow didn't think for a minute we were all in this together, and surely there remain a few old-fashioned Adams types around, mooning through the country. I'm afraid though that they are for the most part safely removed from Washington, and are not students, like the widow, of "primary forces." For most of us who cannot escape the Washington emanations the widow's position is no longer tenable; if a lesson ever emerges from Watergate it may well be that in a high moral Adamsian sense very few of us were not involved.

Or, in the terms of these two novels, I would put it that Wicker, for all his conscience, cannot finally hope to be less subservient to the "primary forces" than our country's Ratcliffes. His profession drives him at last to ride in the same lifeboat with those he is programmed to rescue.

Reed Whittemore

Art by the Numbers

The Culture Consumers, A Study of Art and Affluence in America

by Alvin Toffler

(Random House; $7.95)

This book, originally published in 1964, is so weak that the reasons for its reissue are obscure to me—but its presence among us cannot be denied, and its badness is worth notice. Since I saw little of value in *Future Shock*, Alvin Toffler may simply not be to my taste, but even that book is of much more interest than *The Culture Consumers*, which is little more than a mixture of statistics gleaned from sources of widely diverse reliability, quotations, absurdly weak arguments and superficial explanations. Toffler has no theoretical point of view to order his "data" and offers little analysis penetrating beneath the froth of statistics about concert attendance, sources of support for museums and the like. Anyone interested in a nine-year-old compilation of facts about the economics of art in the United States might find parts of this book useful—but anyone looking for a critical analysis of the sorts of people who consume culture, the status of fine arts in America or of American culture itself will be disappointed.

Toffler discusses people who disagree with him in annoyingly polemical tones. For example, Harvey Swados, Dwight MacDonald and Leslie Fiedler are called "congenital carpers in the critical establishment" for having noted that the function of the avant garde has changed and that art can no longer outrage the bourgeoisie. Whatever the merits of that view, holding it hardly constitutes being a "congenital carper."

Basically this is a book about the growing participation and influence of the upper middle class, big business and universities on fine arts establishments in the United States. Toffler claims, without much argument, that this trend is important and has a far-reaching impact upon the cultural life of America. He also examines the economic status of artists and discusses ways of improving the financing of the arts, plumping most strongly for the use of federal tax incentives for art contributors.

The core of the failure of this book is instructive, since it points toward an inadequacy in much contemporary social commentary, and is glaringly obvious in a statistical approach to questions of culture. There is no adequate discussion of the quality of cultural life Toffler seems to think that one's experience is significantly affected by an occasional concert or visit to a museum Such experiences, of course, can be rewarding but how significant such experiences are for understanding the quality of American life is moot. Let m illustrate. For Toffler a culture consume is anyone who goes to a concert, ar film, etc. or participates as professiona or amateur in artistic activity, includin children taking piano lessons. Give such a broad definition, Toffler goes o to describe a "democratization" of th arts public. This new consumer is riche and better educated than average, cor sumes more than average numbers c cars, appliances, booze. He has a hig exposure to communications media c all sorts. From all this Toffler conclude that "the rise of a mass public for th arts can, in its way, be compared wit the rise of mass literacy in the eigh eenth century in England." The conclu sion is simply fantastic, and in th hands of a satirist would be a good jok —yet Toffler's intention is not satirica The chief failure is to distinguish b tween changes that are trivial an changes that are important. Instead attempting such distinctions he reach for arithmetical assurance in the grov ing number of upper-middle-class pr fessionals attending dance concerts ar the like, proposing that such grow could "herald something quite impo tant in the social development of mo ern man." It could—or it could be insignificant as the advent of wi neckties for modern man.

Toffler's analysis of the nature of a and its role in human experience shallow when present and often mis

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ng entirely. He views art as one of the nost effective assuagers of the grayness of contemporary life in the United States and, without apparent irony, describes it as an ideal commodity. He akes art as a "solution" to this grayness rather than, in reverse, seeing the quality of contemporary life as a problem which art might illuminate. Not understanding art, he cannot understand the debasement of art. He sees art is a commodity, with the particular tyle of consumption expressing the consumer's "uniqueness." Such uniqueness may be expressed in part by the ttendance of a regimented middle-level echnocrat at an art film, the attendance eing an artistic act. An argument that akes concert and movie "consumption" s "reassuring evidence" of the consumers' "essential uniqueness" defies eady rebuttal, but of the many errors nvolved, suffice it to say that a genuine earch for personal identity can not be nderstood as the consumption of oods, material or psychic.

The only place where the question of ne quality of American culture is discussed at all is the final chapter entitled Excellence For What?" Anyone who iticizes the quality of American life ins a strong risk of being an "elitist" Toffler's demonology. The "strident olemic quality" of unnamed mass media critics is explained by Toffler, quoting Daniel Bell, by its relation to the success" of the welfare state, such success freeing "radical intellectuals"—on ne rolls of the old WPA perhaps?—to iticize mass media. A familiar if dated ne, but surely an infuriating argument find in a discussion of the quality of merican culture, *especially* when the sence of Toffler's defense of the quality of American culture involves citing nproved technical standards, quoting eople who pass through the Midwest nd are surprised to find a cultural event ere, observing that Ionesco was performed in North Carolina, and so on. ich superficiality can be epitomized the following quote: "Television may oke the airways with banality and ere are plenty of meretricious movies. it even in bad television plays the vel of acting, singing, or dancing is ten undeniably excellent." Even ough television has its problems the mmercials are getting better! Incidentally, the role of television in American culture is wholly ignored. In a work which calls mass media critics "strident" and which itself only offers pablumlike criticism of the state of American culture, to point to the acting standards in a bad television play as evidence of the improvement of "cultural attainment in the United States" is a bad joke. Toffler can do worse, though. In speaking of art and politics, he says that "what the Living Theater did, of course, by financing operations out of money that legally belonged to the federal government, was to *force* the federal government to subsidize art" (italics added). This comment is Toffler's main reaction to the Living Theater in 1963.

What is most wrong with this book is not what it says, which is bad enough, but what it fails to say. To be sure, the economics of the fine arts is important, but merely looking at economics will not lead to any critical assessment of the state of culture. To Lewis Carroll should have been left the glory to conclude, on the basis of badly used statistics of difficult-to-measure significance, that America "is beginning to concern itself with the quality of existence."

Andrew McLaughlin

Notes on Contributors

TER MICHELSON's *book of poems,* The ter, *was recently published by The allow Press.* ANDREW MCLAUGHLIN *ches philosophy at Lehman College, INY.*

In Brief

Foreign Devils
by Irvin Faust
(Arbor House; $7.95)

In an early story, "Into the Green Night," Irvin Faust described the vigorous fantasy life of a young moviegoer, one who shared vicariously the lives of the stars on and off the set, and sometimes had trouble distinguishing between his movie and non-movie existence. Since that story Faust has put three novels into the same orbit, and with his newest would seem to have reached his apogee. That is, he is way out. His "boychik" New York hero, Sid Benson, or mebbe Sidney Birnbaum, becomes transmogrified for half the novel into Norris Blake, a correspondent for the *New York World* who covers the Boxer Rebellion in China singlehandedly for Joseph Pulitzer in 1900. When Blake (whom the Empress of China refers to as Mr. Brake) speaks, it is in the affectedly high style of an old-time travel writer like, say, Richard Halliburton; but the high style is constantly interrupted by parenthetical obscenities, as Benson or Birnbaum sweats with his difficult *personna;* and in the parts of the novel that are *not* about Blake on some horse cantering across the Chinese wastes, we follow, though dimly, the contemporary sexual and literary exploits of Benson-Birnbaum in NYC. Toward the end NYC and China predictably merge, but the reader is left unsatisfied with the believability of any of the individual levels. Norris Blake particularly fails to become more than a melodramatic bore; why smart-cookies Birnbaum-Benson choose to fantasize about him at such length is a mystery.

Catholics
by Brian Moore
(Holt, Rinehart & Winston; $4.95)

Is it possible to say that a book seems to be too short because it is so good? From every point of view this fine, long story, or short, dwarfed novel, is just that. It is the kind of story that should catch a larger and larger audience as time passes and finally become, with *Tonio Kruger, Metamorphosis* and Muriel Spark's *Momento Mori* (and *Poorhouse Fair* by Updike?), a classic *novella.*

Related in tone and wit to Evelyn Waugh's *Decline and Fall*—the Irish Abbey is called "Muck," reminding one inescapably of the Welsh Llarrabba—this book has the same sharp, pointed wit, the same authentic rural lilt to the speech, the same imposition of common sense on extreme sensibility. But Moore's story is also a profound fable about the way history recycles itself, about change and resistance to change, and change again.

A reactionary pocket of the Catholic church in the end of the 20th century is visited by a modern American priest, James Kinsella, who is sent by an ecumenized Vatican to seek out the Irish Abbey's "doctrinal error and punish it"—in the manner of an inquisitor, the Abbot of the Abbey notices. A lovely irony pervades the visit, for the doctrinal error or heresy is a retention of the old Latin Mass, the prayers of the rosary, the belief that the eucharist is indeed the real, and not a symbolic, celebration of the presence of God on the altar.

Kinsella is a straight, solid characterization of the cleric-to-be in the future if the church goes along as it now threat-

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ens to go. But the Abbot is Moore's crowning achievement, a paradoxical figure, aware that "yesterday's orthodoxy is today's heresy," a man who holds fast to the Old Church because of the devotion to it of the monks he rules, because of his belief in discipline and order, but most of all because the old orthodoxy is the only way he can disguise from everyone that, during a visit to Lourdes in his younger days, he had lost his faith.

Kinsella is at the Abbey only a day and a night, only long enough to deliver his assigned dictum to the anachronistic monastery. His instructions demand that they stop celebrating the Old Mass which is now attracting thousands of visitors to the mainland each Sunday where they hold their services, and to stop assigning, in their own minds and practices, to the action of the Mass miraculous transubstantiational powers. His departure precipitates the last powerful page of the book. It would, however, be a disservice to the reader to give away the resolution. It is enough to indicate that it works in a way that few such spare stories do, convinces the reader absolutely by the quality of its thought, and its writing which is superb: poetic, spare, *fine*, as Henry James would have described it. All in all, a small but major masterpiece.

Rembrandt's Hat
by Bernard Malamud

(Farrar, Straus & Giroux; $6.95)

As short fiction goes middling Malamud is merely exemplary—models of artisanship aglow with a special vision; at its best it works magic: Malamud is our principal necromancer and fabulist.

The eight tales of his new collection run the course from middling (he has never written below that mark) to spectacular: a few fine, though repeat, performances, variations on themes reverberating from *The Magic Barrel* and *Idiots First*, as well as the novels; a few tentative departures—delicate, interesting, admirable, though not particularly memorable; and at least two, which happen also to be the longest in the volume, that are commanding examples of his art.

"Man in the Drawer" is set in the Soviet Union and is built around a strange encounter between a visiting American journeyman writer and a Russian short-story writer who sees himself as heir to the tradition of Chekhov, Gorky, Babel, no less. Like Babel, he is condemned by party diktat to the "aesthetic of silence"; denied access to print, he writes for the "drawer." A miraculous last chance: will the timid, indecisive American schlemiel smuggle a manuscript out of the country for him? After much agonizing, tremulousness, convulsions and breast-beating, the American backs into the redemptive act of moral courage, knees knocking. Malamud orchestrates crisis and resolution beautifully.

But what is most notable here is a quality as much moral as artistic: Malamud's distinguished grace of absolute integrity, his refusal to evade a story's smallest inner necessities: his requirement of himself that he *write*, where he could have elided, each turning and gesture of the spirit. The Russian makes grandiose claims for himself, and we are asked to believe him, not simply to take him at his own estimate. Incredibly Malamud delivers not one but *four* of the Russian's stories: not in their entirety, of course, but enough of the scenarios so that we *do* believe him; and if they sound very like scenarios of Malamud stories, why not? He can lay just claim to that line of Russian masters.

Miracles don't stop there. How is it that a circus talking horse, who is really a latter-day Jonah named Abramowitz trapped, replete with pince-nez and black mustache, in the entrails of a suffering horse—how did he transcend his equine condition and evolve into a "free centaur"? You'll ask scoffingly how such things can be possible. It's not "possible"; it simply irrefutably, compellingly *happens*. To deny that it does, the most hardshelled rationalist would have to reject the overwhelming evidence of his senses; that being the nature of miracles. To perform a literary miracle without flummery requires a master work. Of its kind and scale "Talking Horse" is nothing less than that.

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Go Hire Yourself an Employe
by Richard K. Irish

(Doubleday/Anchor; $2.95)

Good jobs, one soon learns, are almost never advertised: you have to have inside sources of information to learn of them. Richard Irish, a vice president of a Washington management and talent-search firm and a self-described "body broker," has put together a useful book which he might have called "The Job-Seeker's Manual of Guerrilla Strategy and Tactics." His style, reminiscent of Robert Townsend's in *Up the Organization*, is iconoclastic, witty and easy to read. If there is an underl

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ing theme, it is that the prospect of job-switching or job-seeking is an opportunity that can be turned to one's advantage. His book is for those who want what he calls "judgment jobs," those "where the whole human being is called to exercise his mental muscles, where a high premium (*i.e.*, a good salary) is paid for your intelligence and intuition, where 'good solid judgment' is your qualification for the job." He estimates that 10 percent of all jobs might be so classified, but before you can find one, you need to find yourself and, equally important, define for yourself the type of job you want. This latter point is often a major hurdle for those who want "relevant" jobs but cannot relate that vague concept to the job market as it exists. The author has an unorthodox suggestion for those who have trouble articulating their "job objectives": "Writing your obituary, as if this were 1995, is a way of seeing yourself the way you would want the world to remember you. And it's an exercise in reviving those grand goals and glorious prospects that made adolescence worth the rites of passage." Irish also has some practical suggestions, but the book's main value lies in its effect in "consciousness-raising." It pushes even the casual reader to think about his own strengths and weaknesses as a job-seeker and how to turn his strengths to personal advantage in competitive marketplace. With a continuing high degree of involuntary unemployment likely and with boring and "nonrelevant" jobs inevitable for the future, *Go Hire Yourself an Employer* could well become a survival guide for the '70s.

Kauffmann, *from page 22*

ings sort out conventionally, by newer inventions, at the end. (In fact, the tone of the ending is too solemn for the tone throughout.)

George Segal is an American living in London with his wife and family. Glenda Jackson is a London divorcée with two children. They meet cute, as the old protocol demanded, they go to bed again for their first (harried) meeting, they set up a little love-nest in Soho for further (harried) meetings; eventually they part. The dialogue is bright, the incidents are only occasionally labored but a bit too much trouble with that Spanish hotel), the pace is brisk. Segal gives a limber-taut performance, much like Jack Lemmon at his best. Paul Sorvino, who was good in the New York production of *That Championship Season*, is good here as Segal's friend. The delightful surprise is Glenda Jackson. The Charlotte Corday of *Marat/Sade*, the controlled woman of the world in *Sunday Bloody Sunday*—in a Lucille Ball-Rosalind Russell-Claudette Colbert fast-and-funny light-comedy role; and she is absolutely first-class. Her body is hardly voluptuous, but her personality, her acting, her *voice* are so seductive that there's never a doubt that Segal would flip for her. The picture is good fluff, but fluff; the only serious thing about it is that it shows the astonishing range of this very fine actress.

Peter Bogdanovich is the Miniver Cheevy of our time. "Born too late," he keeps using the film as a time machine to take him back to the movie days when he thinks he would have been happier. *What's Up, Doc?* was set in the present but was made like a screwball comedy of the 1930s. His new film is set *in* the 1930s.

Paper Moon is heart-tugs about a young Kansas con man and a nine-year-old girl who may be his daughter. (She's played by Tatum O'Neal, daughter of Ryan O'Neal who plays the con man.) Alvin Sargent's script, from a novel by Joe David Brown, is a series of adventures by these gentle grafters (O. Henry's term). A set-up like this man-and-child pair can be an agreeable contrivance if it's used agreeably, and part of the time that's true here.

O'Neal, a phony Bible salesman, visits the funeral of a former mistress while passing through a Kansas town, and some neighbors give him her child to take to an aunt in St. Joseph, Missouri. On the way the child hooks him into partnership, her wiles being orneriness, independence, cigarette-smoking, and a touch of profanity. Finally, he gets rid of her in St. Joseph, he thinks. (The best touch in the script is that the aunt is a nice woman, not a witch.) But the child chases after him, and he is presumably stuck with her forever.

O'Neal is like a soft-plastic imitation of Warren Beatty. He simply has no force, although he's flaccidly bearable. His daughter is a spunky little girl, quite appealing, who does exactly what she has been told to do by the director. Sometimes you can even see her responding to his requests, when she poses and makes faces, but she is likeable in an anti-winsome way. One curious point: she has a Midwestern accent, but her own father's accent is quite wrong.

Bogdanovich mixes a collection of "influences" and hackwork with a few good touches. In the first shot of O'Neal, you see him scurrying across the cemetery, filching a bouquet from a grave to bring to the funeral, and you know the film has nowhere to go but up. It does, from time to time. Some of the con games are amusingly handled, particularly when focused on the child. Some of the incidents, like a wrestling match and a beating of O'Neal, are platitudes. A howling cliché of a cooch-dancer hustler is partly offset by the handling of her 15-year-old black maid. The occasional use of fresh settings—a country hotel still lighted by kerosene lamps in the '30s—is offset by heavy-handed attempts to use the landscape as better directors have done (a picnic on a hill with one bare tree, the long winding road at the very end, consciously corny but corny just the same).

The look of the film is all wrong. Bogdanovich has had Laszlo Kovacs shoot it in the black-and-white sententious tones that Orson Welles impasted on *The Magnificent Ambersons* and *Touch of Evil*, quite inappropriate for this sentimental comedy. I've rarely seen a film that looked so unlike what it was about, doomed to this schism because this time Bogdanovich has imitated wrongly. He is still a modestly talented non-person.

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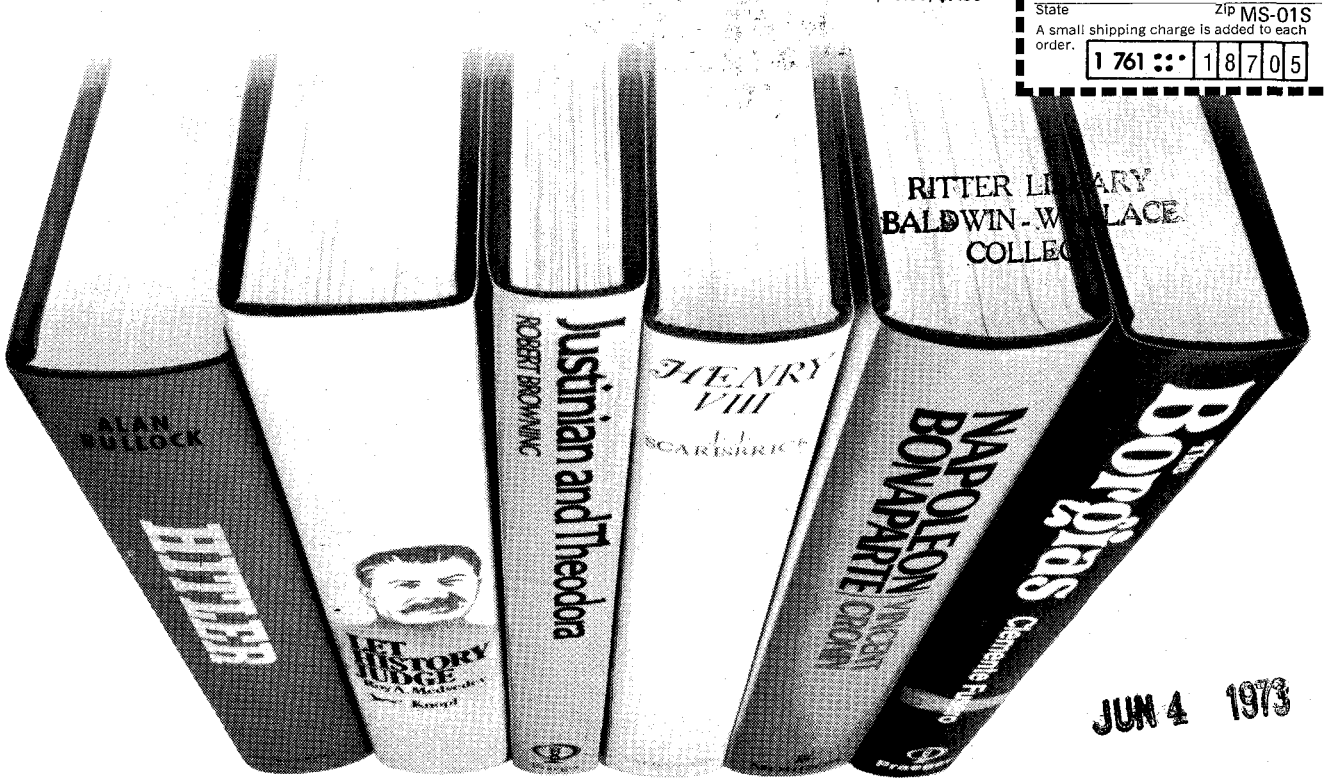

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